

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1396590-0

Total Deleted Page(s) = 16
Page 9 ~ Referral/Direct;
Page 10 ~ Referral/Direct;
Page 11 ~ Referral/Direct;
Page 12 ~ Referral/Direct;
Page 13 ~ Referral/Direct;
Page 62 ~ Referral/Direct;
Page 63 ~ Referral/Direct;
Page 64 ~ Referral/Direct;
Page 65 ~ Referral/Direct;
Page 66 ~ Referral/Direct;
Page 67 ~ Referral/Direct;
Page 68 ~ Referral/Direct;
Page 69 ~ Referral/Direct;
Page 70 ~ Referral/Direct;
Page 71 ~ Referral/Direct;
Page 72 ~ Referral/Direct;

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ E F T O
☐ CLEAR

Date 3/8/77

TO: DIRECTOR, FBI
 (ATTN: OFFICE OF LEGAL COUNSEL)

FROM: SAC, PHOENIX (62-NEW) (P)

ILSE M. SIGLER AND
 KARIN M. SIGLER
 vs. MAJOR GENERAL C.J. LE VAN;
 ET AL *NE*
 U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 EL PASO DIVISION
 CIVIL ACTION NO. EP 77-CA35
 MISCELLANEOUS- CIVIL SUIT

ReBucal to SA 3/8/77.

HAND-CARRY TO SA CIVIL LITIGATION UNIT
ROOM 7338

Enclosed for the Office of Legal Counsel is the original and two (2) copies of a self-explanatory letter to the Attorney General of the United States requesting representation by the Department of Justice in Captioned matter which is being submitted by SA FRANCIS J. PRASEK.

2 - Bureau (Encl.-3)
 2 - Phoenix

JMC:lme
 (4)

REC 61

V-1 62 117536

EX-101

DE-30

21 MAR 30 1977

44 APR 29 1977

Transmitted

(Number)

(Time)

Per

b7C
 b6



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

P.O. Box 431
Phoenix, Arizona 85001

The Honorable Griffin Bell
Attorney General
U.S. Department of Justice
Washington, D.C.

Re: Ilse M. Sigler and
Karin M. Sigler
vs. Major General
C.J. LeVan; Et Al
U.S. District Court
Western District of Texas
El Paso Division
Civil Action No. EP-77-CA35

Dear Mr. Bell:

I wish to advise that I am named as one of the defendants in the above-captioned action. Although I have not been personally served with a copy of the summons and complaint in this matter, I have received a copy of the complaint from the El Paso Division of the FBI.

I have not retained private counsel to defend me in this suit and request representation by the Department of Justice.

All actions taken by me in regard to this matter were done within the scope of my employment with the Federal Bureau of Investigation and were done with a good faith belief in the lawfulness and reasonable nature of my actions.

Very truly yours,


FRANCIS J. PRASEK
Special Agent

62-117536
ENCLOSURE

Assistant Attorney General
Civil Division
Attn: Mr. Vincent Terlip

1 - Mr. Gallagher
1 - Mr. Mintz
1 - Civil Litigation Unit
3/25/77

Assistant Director - Legal Counsel
Federal Bureau of Investigation **FEDERAL GOVERNMENT**

ILSE M. SIGLER, et al, v.
MAJOR GENERAL C.J. LeVAN, et al.
(U.S.D.C., W.D. TEX., EL PASO DIVISION)
CIVIL ACTION NO. EP 77-CA35

Mrs Ralph J. Sigler

Enclosed is a copy of a letter from Special Agent Francis J. Prasek to Attorney General Griffin Bell which was recently received at FBI Headquarters. Special Agent Prasek is presently employed by the FBI in our Phoenix Office. He has not been served personally with a Summons and Complaint in this matter.

Department Attorney Vincent Terlip was provided with the original of the enclosed letter upon its receipt at FBI Headquarters on March 11, 1977.

As the charges made against Special Agent Prasek relate to the performance of his official duties as employed by this Bureau, we recommend the Department approve his request for representation.

Enclosure

mbk/kg
(6)

SEE NOTE PAGE 2

DE-30

REC 61

EX-101

117536 2

MAR 30 1977

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Rec. Mgnt. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

MAIL ROOM ☒

TELETYPE UNIT ☐

Assistant Attorney General

NOTE:

In the above civil action the widow of Ralph J. Sigler alleges that SA Prasek, other unknown Bureau Agents and numerous specifically named individuals of the U.S. Army conspired to murder or did murder her husband, Ralph Sigler. This letter is to request representation for SA Prasek, a named defendant now assigned to our Phoenix Office who is being sued for alleged acts performed during the course of his official duties.

APPROVED:

Director.....
Assoc. Dir.....
Dep. AD Adm.....
Dep. AD Inv.....

Adm. Serv.....
Ext. Affairs.....
Fin. & Pers.....
Gen. Inv.....
Ident.....
Intell.....

Legal Coun.....
Plan. & Insp.....
Rec. Mgt.....
S. & T. Serv.....
Spec. Inv.....
Training.....

1 - Mr. Fehl
Attn: Mr. Richard Davis
(Route through for review)

The Attorney General

July 6, 1977

Director, FBI

1 - Mr. Leavitt
Attn: Mr. James Johnson
1 - Mr. Mintz
1 - Civil Litigation Unit

ILSE M. SIGLER, et al., v.
MAJOR GENERAL [sic] C. J. LEVAN, et al.
(U.S.D.C., W.D. TEXAS, EL PASO DIV.)
CIVIL ACTION NO. EP 77 CA 0035

Captioned civil action was filed February 22, 1977. After extensive inquiry into potential conflicts of interest, Ms. Barbara Babcock, Assistant Attorney General, Civil Division, by letter dated June 17, 1977, advised Special Agent (SA) Francis J. Prasek, a defendant in this action, that he would be provided private counsel at Government expense. Subsequently, SA Prasek advised Mr. Dennis Linder and Mr. Vincent Terlip of the Civil Division and SA [redacted] of this Bureau that he had retained Mr. Joseph M. Calamia to represent him.

Plaintiffs in captioned civil action allege that numerous named individuals in the United States Army, SA Prasek, and unknown members of the United States Army, the FBI, and the CIA murdered plaintiff's husband, an alleged counterespionage agent, or have placed him in a position of peril and failed to protect him.

To assist Mr. Calamia in defending this action it will be necessary for SA Prasek to provide him and his associate, Charles M. Mallin, with classified information.

Accordingly, I request that you give permission to the Department of Justice Security Officer to clear Messrs. Calamia and Mallin for access to Department of Justice/FBI material up to Top Secret in accordance with Title 28, Code of Federal Regulations (CFR), Sections 17.63 and 17.64.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Crim. Inv. _____
Fin. & Pers. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Spec. Inv. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

1 - SAC, El Paso
Attn: Principal Legal Instructor
1 - SAC, Phoenix
Attn: SA Francis J. Prasek

PHS:ljd
(9)

See NOTE - Next Page

56 JUL 20 1977

MAIL ROOM ☒ TELETYPE UNIT ☐

FBI/DOJ

The Attorney General

After three extensions of time, the current answer date in this suit is set for July 31, 1977. It is requested that the above permission be given to the Department of Justice Security Officer as soon as possible in order that appropriate background investigations may be completed and the security clearance granted in time to allow adequate consultation between SA Prasek and the attorneys involved.

NOTE: This memorandum requests Attorney General (AG) permission for DOJ Security Officer to clear FBI defendant's attorneys for access to Top Secret information as required to defend Agent in captioned civil suit. Richard Davis, SID, has been advised a formal request for the above security clearance background investigation will be forthcoming from the DOJ Security Officer as soon as permission is given by the AG. Mr. Davis has been provided with the full names and dates and places of birth for Mr. Calamia and his associate Charles M. Mallin.

APPROVED:

Director _____
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Crim. Inv. _____
Fin. & Pers. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Spec. Inv. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

TELETYPE
IMMEDIATE
EFTO

7/25/77

FM DIRECTOR (62-117536)

TO PHOENIX

EL PASO

BT

ILSE M. SIGLER, ET AL., V.
MAJOR GENERAL /SIC/ C. J. LEVAN, ET AL.
(U.S.D.C., W.D. TEXAS, EL PASO DIV.)
CIVIL ACTION NO. EP 77 CA 0035

1 - Mr. Leavitt
Attn: Mr. Johnson
1 - Mr. Mintz
1 - Civil Litigation Unit

SA FRANCIS PRASEK IS HEREBY AUTHORIZED TO DISCUSS
WITH HIS ATTORNEYS JOSEPH A. CALIMEA AND CHARLES M. MALLIN,
THEIR HAVING RECEIVED A TOP SECRET CLEARANCE, SUCH DETAILS
OF THE ABOVE CAPTIONED MATTER AS IS NECESSARY IN THE DEFENSE
OF CAPTIONED CIVIL ACTION, ^{HIS} ~~YOUR~~ EMPLOYMENT AGREEMENT
NOTWITHSTANDING.

DEPARTMENTAL ATTORNEY VINCENT TERLIP THIS DATE, AFTER
CONSULTATION WITH HIS SUPERIORS, ADVISED THAT 28 C.F.R.
SECTION 16.21 ET SEQ DOES NOT ^{EX-106} APPLY TO FEDERAL EMPLOYEE
DEFENDANTS' CONSULTATION WITH THEIR ATTORNEYS.

BT

NOTE: This is to authorize SA Prasek, defendant in
captioned suit to discuss details of the above captioned
matter with his attorneys who have received Top Secret
clearance, ^{ACCORDING TO DEPT ATTY TERLIP}

PHS:pls
(5)

1 JUL 29 1977

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Crim. Inv. _____
Fin. & Pers. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Spec. Inv. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

FEDERAL BUREAU OF INVESTIGATION
JUL 25 1977

APPROVED:

Director _____
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Crim. Inv. _____
Fin. & Pers. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

TELETYPE

TELETYPE UNIT ☒

MAIL ROOM ☒

FBI/DOJ

b7C
b6

TYPED: SEPTEMBER 6, 1977

SEP 28 1977

BAB:VBTerlep:nlp
145-15-1033

Tel: Ext. 3350

FEDERAL GOVERNMENT

Joseph A. Calamia, Esquire
Calamia & Mallin
Suite 1330
Bassett Tower Building
El Paso, Texas 79901

b7C
b6

Dear Mr. Calamia:

This is to confirm that the Department of Justice Security Officer has made a favorable determination of trustworthiness in accordance with 28 C.F.R. 517.58 with respect to yourself and Mr. Mallin, thereby permitting both of you to have access to Department of Justice classified information and material up to and including TOP SECRET. This access clearance is limited to information actually classified by the Department of Justice including the FBI, and related to the subject matter of the case of Ilse M. Sigler, et al. v. Major General C. J. LeVan, et al., Civil Action No. EP 77-CA 35, U.S.D.C. W.D. Texas. The clearance will terminate at such time as the need for access no longer exists.

The clearance is further conditioned upon your abiding by such statutes, Executive Orders, and regulations as may apply. A copy of 28 C.F.R. Part 17, the Justice Department regulations concerning the handling of classified information, is enclosed for your review. It is requested that after familiarizing yourselves with these materials, you both sign the certification set forth below acknowledging that you both have read the enclosed regulations, that you both agree to comply with their requirements, that you both will not disclose classified information to those not authorized to receive it. Your clearance will become effective upon receipt of the signed certification.

DE-54 EX-100 REC-85 62-117536-6
23 NOV 2 1977

At such time as you need to store classified materials covered by your clearance, please contact Vincent B. Terlep, Jr., of this office at (202) 739-3350, who will arrange for a security review of your storage facilities.

LEGAL COUNSEL

F159
57-107-101977

62-117536

In the interim, if need for such storage should arise, you may use the office of the United States Attorney in El Paso, who will make space available for you on an interim basis.

Very truly yours,

BARBARA ALLEN BASCOCK
Assistant Attorney General

Enclosure

CERTIFICATION

This is to certify that I have read and am familiar with the regulations set forth in 28 C.F.R. §17.1-17.8., that I shall comply with their requirements, and that any classified information furnished by the Department of Justice or by my client orally, in writing, or by any other means in conjunction with the case of Ilse M. Sigler v. Major General C. J. LeVan, will not be disclosed to anyone not authorized by the Department of Justice to receive it.

JOSEPH A. CALAMIA

DATE

CHARLES H. MALLIN

DATE

bcc: Federal Bureau of Investigation ✓
ATTN: Legal Counsel Division
Washington, D. C.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (62-117536)
ATTN: LEGAL COUNSEL DIVISION
SUPERVISOR [REDACTED]

DATE: 9/21/77

FROM : SAC, EL PASO (62-2225) (P)

b7C
b6

SUBJECT: ILSE M. SIGLER, ET AL;
V. MAJOR LEVAN, ET AL;
(U.S.D.C., W.D. TEXAS,
EL PASO DIVISION)
CIVIL ACTION EP 77-CA0035

Re EP letter to the Bureau, 8/30/77.

b7C
b6

On 9/21/77, SA [REDACTED] reviewed
U. S. District Clerk's Office file which contains
cause number EP 77-CA0035. The following is a
summary of developments in that case since El Paso
furnished Bureau with summary of 8/30/77:

8/31/77 - Filed Reply and Brief in Opposition
to the Motion of Chief Warrant Officer CARLOS ZAPATA to
Dismiss Pursuant to Rule 12 (b)

9/1/77 - Filed Reply and Brief in Opposition to
Defendant LE VAN's Motion of Dismiss on the Alternative,
Motion for Summary Judgment

9/6/77 - Filed Order Allowing Appearance of
Counsel Pursuant to Local Rule 2 (f)

9/8/77 - Filed Response to Deft LE VAN's Motion for
Summary Judgment or in the Alternative, Motion for
Continuance Pursuant to Rule 56 (f)

9/8/77 - Filed Reply and Brief in Opposition to
the Motion of FRANCIS (JOE) PRASEK to Dismiss Pursuant to
Rule 12 (b)

2-Bureau
1-El Paso

DRP:sf
(3)

EX-108

REC-21

62-117536-7

14 SEP 26 1977

b7C
b6



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

LEGAL COUNSEL

FBI

Date: 11/21/77

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Precedence)

TO: DIRECTOR, FBI
(ATTN: LEGAL COUNSEL DIVISION) 6

FROM: SAC, PHOENIX (62-2146) (P)

SUBJECT: ILSE M. SIGLER,
Et Al, vs.
MAJOR GENERAL C. J. LEVAN,
Et Al
(U.S.D.C., W.D. TEXAS, EL PASO DIVISION)
CIVIL ACTION NO. EP 77 CA 0035
Miscellaneous - Civil Suit
OO: EL PASO

In accordance with the instructions of United States District Judge WILLIAM SESSIONS, Western District of Texas, El Paso, Texas, arrangements have been made to take depositions in this case during the period from December 20, 1977, to December 31, 1977, both in El Paso, Texas, and Fort Meade, Maryland.

Since it is considered absolutely necessary for SA FRANCIS J. PRASEK to be present with his attorney, CHARLES MICHAEL MALLIN, at the taking of these depositions in order to protect the interests of SA PRASEK and the Bureau, SAC authority has been granted for him to perform the following travel:

12/20/77

12/21-22/77

12/23/77

12/26/77

Travel to El Paso, conference with counsel

Depositions of SA PRASEK and SA CARLOS ZAPATA, USAINTA Agent, El Paso

Travel from El Paso to Phoenix

Travel to Washington, D. C., and Fort Meade

2 - Bureau - 1cc to
2 - Phoenix Room 77

FJP:bgf
(4)

Approved: 124 Special Agent in Charge

Sent _____ M Per _____

54 DEC 16 1977

b7C
b6

PX 62-2146
FJP:bgb

12/26, 27, 28, 29, 30/77	Depositions of USAINTA personnel
12/31/77	Travel from Washington, D. C., to Phoenix

All travel will be performed in connection with
official duties and on dates indicated, UACB.

FBI

Date: 12/15/77

Transmit the following in _____

(Type in plaintext or code)

De AIRTEL

(Precedence)

TO: DIRECTOR, FBI
(ATTENTION: LEGAL COUNSEL DIVISION)

FROM: SAC, PHOENIX (62-2146) (P)

SUBJECT: ILSE M. BIGLER,
Et Al, vs.
MAJOR GENERAL C. J. LEVAN,
Et Al
(U.S.D.C., W.D. TEXAS, EL PASO DIVISION)
CIVIL ACTION NO. EP 77 CA 0035
Miscellaneous - Civil Suit
OO: EL PASO

LL

Re Phoenix airtel to the Bureau dated 11/21/77.

On 12/15/77, CHARLES MICHAEL MALLIN, El Paso, Texas, co-counsel in this matter with JOSEPH A. CALAMIA, advised SA FRANCIS J. PRASEK that the depositions scheduled for 12/21 and 22/77 at El Paso have been re-scheduled until sometime in February, 1978.

C

In view of the above, travel set forth in re airtel will not be performed.

- ② - Bureau
1 - El Paso (INFO)
2 - Phoenix

4, FJP:bgb
(5)

EX-130

REC-7

62-117536-9

23 DEC 19 1977

LEGAL COUNSEL

Approved: *56 JAN 5 1978* Special Agent in Charge

Sent _____ M Per _____

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (62-117536)
ATTN: LEGAL COUNSEL DIVISION
SUPERVISOR [REDACTED]
FROM : SAC, EL PASO (62-2223) (P)

DATE: 8/12/77

b7C
b6

SUBJECT: ILSE M. SIGLER, ET AL.,
V. MAJOR LEVAN, ET AL
(U.S.D.C., W.D. TEXAS,
EL PASO DIVISION)
CIVIL ACTION EP-77-CA0035

Enclosed for the Bureau are two xerox copies of docket sheet in EP 77-CA-0035, which involves civil suit of SIGLER vs. Major General LEVAN, et al.

Xerox copy of the above described document is forwarded to Legal Counsel Division for their information to aid them in keeping current with the case. New developments will be forwarded to them by El Paso Division. Docket sheet was forwarded because of the fact it shows complete history of case.

B

LEAD

EL PASO

AT EL PASO, TEXAS:

Follow developments of civil suit and report same to Legal Counsel Division.

2-Bureau (Encl. 2)
1-El Paso

DRP:sf
(3)

B
ENCLOSURE

EX-124

REC-46

62-117536-10

2-1-78
2 AUG 16 1977

Room 7338

[REDACTED]

LEGAL / [REDACTED]

b7C
b6



56 FEB 8 1978

84978

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

DIST/OFFICE	DOCKET YR. NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR. NO.
542 3	77 0035	2 18 77	3	360	1			7500	4212	P.	77 C

PLAINTIFFS

SIGLER, Ilse M. and
SIGLER, Karin M.

DEFENDANTS

MAJOR GENERAL C. J. LE VAN;
LIEUTENANT COLONEL CAREY TOMLINSON;
COLONEL DONALD B. GRIMES;
MAJOR GENERAL H. R. AARONS;
MR. NOEL JONES; CHIEF WARRANT OFFICER
CARLOS ZAPATA; SPECIAL AGENT FRANCIS
(JOE) PRASEK; MR. LEWIS MARTEL;
MR. JOHN SCHAFFSTALL; Party or part
unknown who are or who were members
CENTRAL INTELLIGENCE AGENCY in 1976;
Party or parties unknown who are or
who were members of the FEDERAL BUREAU
OF INVESTIGATION in 1976; and Party
Parties unknown who are or who were
members of the UNITED STATES ARMY in
1976

CAUSE

Title 28 U.S.C.A Sec. 1331 (a) to recover from the defts damages for the death of
RALPH J. SIGLER.

FOR PLAINTIFFS

DIAMOND & RUBIN
A-Professional Corporation
4100 Rio Bravo, Suite 211
El Paso, Tex. 79902
Tel. 544-5134

MICHAEL R. GIBSON
SIDNEY DIAMOND

FOR DEFENDANTS

JAMES F. NEAL, Atty. for
GRIMES, AARONS, JONES, MARTEL, SCHAFFSTALL
200 Third National Bank Bldg.
Nashville, Tenn. tel. 615 244 1713

ROBERT D. EARP, Atty. (for Chf. Warrant Officer (799
CARLOS ZAPATA, Deft) 609 Laurel St. El Paso, Tex. 03)

ATTORNEYS

FOR DEFENDANTS

Jeremiah Handy, Ass't. U.S. Atty.
Frank B. Walker, " " "

JOSEPH A. CALAMIA and
CHARLES MICHAEL MALLIN, Attys. for
FRANCES (Joe) Prasek,
1300 Bassett Tower
El Paso, Tex. 79901

copy to :
MAJ. DAVID McNEILL JR.
office of the SJA
Ft. Bliss, Tex. 79916

Williams, Connolly & Califano,
Atty. for defts. Maj. Gen. C. J. LE VAN
& LT. COL. CAREY TOMLINSON
1000 Hill Bldg.
839 Seventeenth St. N, W. Washington
D. C. 20006 and FRANCIS C. BROWN
Local for same defts.) 525 First City
National Bk. Bldg. El Paso, Tex.

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE
				JS-5	
				JS-6	

JUDGE SESSIONS

EP-77-CA- 35

DATE	PROCEEDINGS	
2-18-77	1. Filed Complaint, copy to Judge Sessions. Summons with form 285 to U.S. Marshal for service.	\$ 15.00
3-3-77	2. Filed ret. form 285 showing ser. to Major General C. J. Le Van on 2-25-77	3.00
	Lieutenant Col Carey Tomlinson	3.00
	Col. D. B. Grimes	3.00
	Major Gen. AARONS	3.00
	Noel Jones	3.00
	Lewis Martel	3.00
	John Schaffstall	3.00
	CENTRAL INTELLIGENCE AGENCY	3.00
	Federal Bureau of Investigation	3.00
	U.S. ARMY	3.00
3-4-77	3. Filed ret. form 285 showing ser. to U.S. Atty. Gen. and U.S. Atty. on 2-25-77	3.00
3-11-77	4. Filed ret. form 285 showing ser. to Araceli J. Zapata (wife) on 3-2-77	11.64
3-17-77	5. Filed Motion for Extension of time to move, answer or otherwise plead. (copy to Judge Sessions.	
3-17-77	6. Filed Brief in Support of Defendants' Motion for Extension of Time. in dup.	
3-17-77	7. Filed Motion of Defendant Zapata for Extension of time. in dup.	
4-15-77	8. Filed ORDER that all of the defendants in this case be granted an extension until 4-29-77 to plead or otherwise answer. copy mailed to ea. Atty. Court and Min.	
4-28-77	9. Filed Second Motion for Extension of Time by U.S. Atty. in dup. copy to Judge Sessions	
5-9-77	10. Filed ORDER that defts, move answer or otherwise plead to complaint, by 5-20-77. copy to ea. atty. Court and Min.	
5-18-77	11. Filed Third Motion for Extension of Time. in dup.	
5-19-77	12. Filed ORDER that the Defendant move, answer, or otherwise plead to the complaint on or before July 1, 1977. copy to ea. atty. Court and Min.	
6-27-77	13. Filed Motion for An Extension of Time by Joe Calamia, for Frances Prasek, in dup.	
6-27-77	14. Filed ORDER that the deft. Frances Prasek is granted an extension of time in which to file his answer to and including the 31st of July 1977. (cy. mailed to ea. atty. Copy for Court and Min.	
6-30-77	15. Filed Motion for Enlargement of Time within which to Answer and Respond to Plaintiffs' Original Complaint. in dup.	
7-1-77	16. Filed Fourth Motion for Extension of Time. in dup.	
7-5-77	17. Filed Plaintiff's Response to Motions for Extension of Time to File Answers or Otherwise Plead. in dup.	
7-11-77	18. Filed ORDER that all named defts. herein be granted an extension of time to and including July 31, 1977 to move, answer or otherwise plead to Pltfs. original complaint. cy to ea. atty. Court and Min.	
7-22-77	19. Filed Motion to Dismiss Pursuant to Rule 12(b) in dup.	
7-22-77	20. Filed Brief in Support of the Motion of Chief Warrant Officer Carlos Zapata to Dismiss pursuant to Rule 12(b) in dup.	
7-22-77	21. Filed Motion For Enlargement of Time to Respond to Defendants' Motion to Dismiss Pursuant to Rule 12 (b). (Copy to Court)	
7-22-77	22. Filed Motion to Dismiss Pursuant to Rule 12 (b). (copy to Court)	
7-22-77	23. Filed Brief in Support of the Motion of Francis Prasek To Dismiss Pursuant to Rule 12 (b). (copy to Court)	
7-22-77	24. Filed Answer of Defendant Francis (Joe) Prasek. (copy to Court)	
7-22-77	25. Filed Defendant Levan's Motion to Dismiss or, in the Alternative, Motion for Summary Judgment. in dup.	
7-22-77	26. Filed Brief in Support of Defendant Levan's Motion to Dismiss or, in the Alternative, Motion for Summary Judgment. in dup.	
7-22-77	27. Filed order that Plaintiffs respond to deft. motion to Dismiss on or before 9-1-77. and the plaintiffs shall have 45 days following the filing of each successive Motion to Dismiss of the other Deft. in which to respond thereto. (copy to Judge, micro and atty	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 77-0035
SIGLER, ILSE M. AND SIGLER, KARIN	Major General C. J. Le Van ETAL.	PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
7-29-77	28.	Filed Motion for Extension of Time. (copy to Court)
8-1-77	29.	Filed ORDER that Defendants' Motion for Extension of Time be in all things DENIED. cy. mailed to ea. Atty. of Record, cy. for Court and Min.
8-2-77	30.	Filed Government's Motion for Reconsideration of the Court's Order of August, 1, 1977, Denying Defendants' Motion for Extension of Time. cy. to Court.
8-3-77	31.	Filed Notice of Dismissal, as to <u>LT. COL. CAREY TOMLINSON only.</u> (under F.R.C.P. 41(a)(1)(i))
8-4-77	32.	Filed Plaintiffs' Answer to Government's Motion for Reconsideration of the Court's Order of August 1, 1977 Denying Defendant's Motion for Extension of Time. in dup.
8-4-77	33.	Filed Application for Default Judgment by the Court. in sup.
8-4-77	34.	Filed Request to Clerk to Enter Default of the Defendants MAJOR GENERAL HAROLD R. AARON, COLONEL DONALD GRIMES, MR. NOEL JONES, MR. LOUIS MARTEL, JR. and JOHN SCHAFFSTALL, for failure to plead. cy. to Court.
8-4-77	****	Default entered at request of Attorneys for Plaintiffs.
8-8-77	35.	Filed ORDER OF DISMISSAL as to Lt. Col. Carey Tomlinson, is dismissed. (cy. to ea. atty. Court and Min.
8-8-77	36.	Filed ORDER that Deft. Motion for Reconsideration of the Court's Order of Aug. 1, 1977 be and is in all things Denied. cy. to Ea. Atty. Court and Min.

DC-111A (Rev. 1/75)

UNITED STATES DISTRICT COURT DOCKET

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (62-117536)
ATTN: LEGAL COUNSEL DIVISION

DATE: 8/30/77

FROM : *GRS* SAC, EL PASO (62-2223) (P)
SUPERVISOR

b7C
b6

SUBJECT: ILSE M. SIGLER, ET AL;
V. MAJOR LEVAN, ET AL;
(U.S.D.C., W.D. TEXAS,
EL PASO DIVISION)
CIVIL ACTION EP 77-CA0035

Re EP letter to the Bureau, 8/12/77.

Enclosed for the Bureau is one xerox copy of answer of defendants AARONS, GRIMES, JONES, MARTEL, and SCHAFFSTALL. Also enclosed for the Bureau is xerox copy of Order Relative to Pre-trial by U. S. District Judge SESSIONS.

b7C
b6

On 8/30/77, SA reviewed U. S. District Clerk's Office file which contains cause number EP 77-CA0035. The following is a summary of developments in that case since El Paso furnished Bureau with summary on 8/12/77:

8/12/77 - Filed response to plaintiffs motion for default judgment and for extension of time to answer

8/12/77 - Filed motion to dismiss pursuant to Rule 12, Sub-section B to Judge SESSIONS

8/12/77 - Filed brief in support of motion of PRASEK to dismiss

8/19/77 - Filed motion for appearance of counsel

2-Bureau (Encl. 2)
1-El Paso

DRP:sf
(3)

EX-111

62-117536-11



5010-108-02

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

b7C
b6

EP 62-2223

8/19/77 - Filed answer of Major General
H. R. AARONS, Colonel DONALD B. GRIMES, NOEL JONES,
LEWIS MARTEL, and JOHN SCHAFFSTALL.

8/23/77 - Filed order relative to Pre-trial

8/26/77 - Filed letter from Attorney
BROADDUS, JR.

LEAD

EL PASO

AT EL PASO, TEXAS:

Follow developments of civil suit and report
same to Legal Counsel Division.

LAW OFFICES OF
JOSEPH A. CALAMIA
SUITE 1300 BASSETT TOWER
EL PASO, TEXAS 79901
TELEPHONE 533-7425 AREA CODE 915

C. MICHAEL MALLIN
ASSOCIATE

January 11, 1978

OUTSIDE SOURCE

Federal Bureau of Investigation
U. S. Department of Justice
J. Edgar Hoover Building
Washington, D. C. 20535

Attention: Legal Counsel Division

Re: Sigler vs. Le Van et al
Cause Number EP-77-CA-35

b7C
b6

Dear [REDACTED]

Please find enclosed herewith the Notice to Take the Deposition of Special Agent Francis Joe Prasek, and also, a copy of the Summary of Testimony sought from Special Agent Prasek. Said deposition is scheduled for February 1, 1978 here in El Paso, Texas.

Reading from the Summary of Testimony sought from Special Agent Prasek, it is logical to assume that the answers to such questions may be considered to fall within the guidelines established under Executive Privilege. As the Bureau is aware, both Joseph A. Calamia and myself, as Special Agent Prasek's attorneys hold top secret clearance, but clearance status of Plaintiff's counsel, Plaintiff and others who may be present is unknown. As has been discussed there are many difficulties that could arise should Special Agent Prasek on his own decline to answer questions involving Executive Privilege, and the national security of this Country.

Accordingly it is suggested that the Bureau contact the appropriate officials of the Department of Justice and advise them of the above information. The Bureau may further wish to advise them that they may desire the Government to be represented at the Deposition in order that the Government's attorney may invoke the Privilege for Special Agent Prasek as an agent of the United States Government.

Awaiting for instructions, I remain;

Very truly yours, ²³ FEB 2 1978

CHARLES MICHAEL MALLIN

b7C
b6

LEGAL COUNSEL

5 FEB 9 1978

John Subert POJ enclosed

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

ILSE M. SIGLER and
KARIN M. SIGLER,

Plaintiffs,

v.

MAJOR GENERAL C. J.
LE VAN, et al.,

Defendants.

\$

\$

\$

\$

\$

\$

No. EP-77-CA-35




NOTICE OF TAKING DEPOSITION
UPON ORAL EXAMINATION

TO: FRANCIS JOE PRASEK
c/o JOSEPH A. CALAMIA, ESQ.
1300 Bassett Tower
El Paso, Texas 79901

Please take notice that the Plaintiffs, ILSE M. SIGLER and KARIN M. SIGLER, will take the testimony upon oral examination of FRANCIS JOE PRASEK, who is a resident of Phoenix, Arizona, before PHYLLIS KRATZER, a Notary Public and Court Reporter in and for El Paso County, Texas, on the 1st day of February, 1978, at 9:00 A.M., at the office of SIDNEY J. DIAMOND, ESQ., 4100 Rio Bravo, Suite 211, El Paso, Texas, 79902, at which time and place you are notified to appear and take part in the examination as you deem necessary and advisable.

SIDNEY J. DIAMOND
MICHAEL R. GIBSON
4100 Rio Bravo, Suite 211
El Paso, Texas 79902
(915) 544-5134

BY


SIDNEY J. DIAMOND

ATTORNEYS FOR PLAINTIFFS

NOTICE OF TAKING DEPOSITION - Page 1

62-117536-12
ENCLOSURE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

ILSE M. SIGLER and
KARIN M. SIGLER,

Plaintiffs,

v.

MAJOR GENERAL C. J.
LE VAN, et al.,

Defendants.

§

§

§

§

§


§

No. EP-77-CA-35

SUMMARY OF TESTIMONY SOUGHT
FROM THE DEFENDANT FRANCIS JOE PRASEK

The Plaintiffs, ILSE M. SIGLER and KARIN M. SIGLER, through their counsel, intend, through the use of oral deposition, to question the Defendant FRANCIS JOE PRASEK about the following matters:

1. The Defendant FRANCIS JOE PRASEK'S relationship with the Decedent RALPH J. SIGLER;
2. The Defendant FRANCIS JOE PRASEK'S knowledge of the Decedent RALPH J. SIGLER'S activities;
3. The Defendant FRANCIS JOE PRASEK'S knowledge of the Decedent RALPH J. SIGLER'S activities with the other Defendants in this cause;
4. The Defendant FRANCIS JOE PRASEK'S knowledge of the Decedent RALPH J. SIGLER'S relationship with the other Defendants in this cause;
5. The Defendant FRANCIS JOE PRASEK'S knowledge of the facts leading up to and including the death of RALPH J. SIGLER.


SIDNEY J. DIAMOND
4100 Rio Bravo, Suite 211
El Paso, Texas 79902
(915) 544-5134

ATTORNEY FOR PLAINTIFFS

PX0442 334 3107Z

RR HQ

DE PX

R 300107Z NOV 77

FM PHOENIX (62-2146) P

TO DIRECTOR ROUTINE

BT

CLEAR

ATTENTION: LEGAL COUNSEL DIVISION

ILSE M. SIGLER, ET AL., V. MAJOR GENERAL C. J. LEVAN, ET AL.
(U.S.D.C., W.D. TEXAS, EL PASO DIVISION), CIVIL ACTION NUMBER
EP 77 CA 0035. MISCELLANEOUS - CIVIL SUIT. OO: EP.

REPX AIRTEL, NOVEMBER 23, 1977.

AS SET FORTH IN RE AIRTEL, DEPOSITION OF SA PRASEK SCHEDULED
FOR DECEMBER 22, 1977, AT EL PASO, TEXAS, WITH PLAINTIFF'S
ATTORNEY, COURT REPORTER, AND POSSIBLY OTHER OUTSIDERS PRESENT. IT
IS LOGICAL TO ASSUME THAT DURING QUESTIONING PLAINTIFF'S COUNSEL
MAY ASK SA PRASEK QUESTIONS, THE ANSWERS TO WHICH MIGHT BE
CONSIDERED, UNDER OTHER CIRCUMSTANCES, TO BE THOSE FOR WHICH
REFUSAL TO ANSWER WOULD FALL WITHIN THE GUIDELINES ESTABLISHED
UNDER APPLICABLE "EXECUTIVE PRIVILEGE" DIRECTIVES. AS THE BUREAU

NOV 29 8 12 PM '77
RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	_____
Adm. Serv.	_____
Crim. Inv.	_____
Fin. & Pers.	_____
Ident.	_____
Intell.	_____
Laboratory	_____
Legal Coun.	_____
Plan. & Insp.	_____
Rec. Mgnt.	_____
Spec. Inv.	_____
Tech. Servs.	_____
Training	_____
Public Affs. Off.	_____
Telephone Rm.	_____
Director's Sec'y	_____

b7C
b6

B

EX-111 REC-54 62-117536-13

2 FEB 2 1978

298
58 FEB 14 1978

W. J. Johnson

PAGE TWO PX 62 2146 CLEAR

IS AWARE, BOTH JOSEPH A. CALAMIA AND HIS ASSOCIATE, CHARLES MICHAEL MALLIN, SA PRASEK'S ATTORNEYS, HOLD TOP SECRET CLEARANCES BUT CLEARANCE STATUS OF PLAINTIFF'S COUNSEL AND OTHERS WHO MAY BE PRESENT IS UNKNOWN.

SINCE THE DEPARTMENT OF JUSTICE HAS PREVIOUSLY ADVISED SA PRASEK AND HIS ATTORNEY THAT THE GOVERNMENT HAS TOTALLY DISASSOCIATED ITSELF FROM ACTIVE PARTICIPATION IN SA PRASEK'S DEFENSE, SA PRASEK'S ATTORNEYS HAVE NOTED THE DIFFICULTIES THAT COULD ARISE SHOULD SA PRASEK, ON HIS OWN, DECLINE TO ANSWER QUESTIONS INVOLVING "EXECUTIVE PRIVILEGE."

ACCORDINGLY, IT IS SUGGESTED THAT THE BUREAU CONTACT THE APPROPRIATE OFFICIALS OF THE DEPARTMENT OF JUSTICE AND ADVISE THEM OF THE ABOVE. BUREAU MAY FURTHER WISH TO ADVISE THEM THEY MAY DESIRE THE GOVERNMENT TO BE REPRESENTED AT THE HEARING IN ORDER THAT THE DEPARTMENTAL ATTORNEY MAY INTERVENE TO INVOKE THE EXECUTIVE PRIVILEGE INVOLVING THE SECURITY OF THE UNITED STATES.

BT

EP0528 0322215

PP HQ

DE EP

P 012200Z FEB 78

FM EL PASO (62-2223) (P)

TO DIRECTOR (62-117536) PRIORITY

BT

E F T O

ATTENTION LEGAL COUNSEL SECTION

ILSE M. SIGLER, ET AL, VS. MAJOR GENERAL C J LEVAN,
ET AL. (U.S.D.C., W.D. TEXAS, EL PASO DIVISION). CIVIL
ACTION NO. EP 77 CA 0035. MISCELLANEOUS- CIVIL SUIT.
00: EL PASO.

ATTORNEY JOHN SEIBERT HAS HAD MEETINGS WITH PLAINTIFFS'
COUNSEL, SIDNEY DIAMOND. PURSUANT TO THESE MEETINGS, A
TENTATIVE SETTLEMENT HAS BEEN REACHED WITH PLAINTIFF AND
ALL DEFENDANTS' ATTORNEYS. SEIVERT RETURNING TO WASHINGTON,
D.C. FEBRUARY 2, 1978 AND WILL ADVISE LEGAL COUNSEL SECTION
ALL DETAILS OF SETTLEMENT. DEPOSITIONS NOT TAKEN AT THIS
TIME DUE TO TENTATIVE SETTLEMENT, BUT RESCHEDULED FOR MARCH
9-10 IN EL PASO, TEXAS, AND MARCH 13, 1978 IN WASHINGTON, D.C.

BT

Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	_____
Adm. Serv.	_____
Crim. Inv.	_____
Fin. & Pers.	_____
Ident.	_____
Intell.	_____
Laboratory	_____
Legal Coun.	_____
Plan. & Insp.	_____
Rec. Mgnt.	_____
Spec. Inv.	_____
Tech. Servs.	_____
Training	_____
Public Affs. Off.	_____
Telephone Rm.	_____
Director's Sec'y	_____

1 CC 298
758 FEB 14 1978

EX-105 REC-56 62-117536-14
FEB 3 1978
T338
ep-9

b7C
b6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
(ATTENTION: LEGAL COUNSEL SECTION-SA [REDACTED])
DATE: 7/15/77

FROM : SAC, EL PASO (62-2223) (P)

SUBJECT: ILSE M. SIGLER, et al., v
MAJOR GENERAL (sic) C. J. LEVAN, et al.
(U. S. D. C., W. D. TEXAS, EL PASO DIV.)
CIVIL ACTION NO. EP 77 CA 0035

b7C
b6

Re El Paso airtel to the Bureau, 7/13/77.

Enclosed for the Bureau, Legal Counsel Section,
are two xeroxed copies of order rendered by U. S. District
Judge WILLIAM S. SESSIONS on 7/11/77.

B

REC-4

62-117536-15

11 JUL 19 1977

2- Bureau (Enc. 2)
2- El Paso

DRP:gc
(4)

ENCLOSURE

[REDACTED]

LEGAL COUNSEL

b7C
b6



298
FEB 14 1978 Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EP0070 2072256

PP HQ

DE EP

P 262000Z JUL 77

FM EL PASO (62-2223) (P)

TO DIRECTOR (62-117536) PRIORITY

BT

E F T O

ATTENTION LEGAL COUNSEL DIVISION - SUPERVISOR

(HAND CARRY)

ILSE M. SIGLER, ET AL., V. MAJOR (SIC) C. J. LEVAN,

ET AL. (U.S.D.C., W. D. TEXAS, EL PASO DIV.)

CIVIL ACTION NO. EP 77 CA 0035.

THE FOLLOWING IS A VERBATIM EXCERPT OF (1) MOTION TO
DISMISS PURSUANT TO RULE 2 (B) FOR SA PRASEK; (2) BRIEF
IN SUPPORT OF MOTION OF SA PRASEK; AND (3) ANSWER OF
DEFENDANT PRASEK.

"MOTION TO DISMISS PURSUANT

TO RULE 12 (B)

"TO THE HONORABLE JUDGE OF SAID COURT:

" NOW COMES FRANCIS (JOE) PRASEK, A DEFENDANT IN THE
ABOVE STYLED AND NUMBERED CAUSE BY AND THROUGH HIS ATTORNEYS

JUL 26 7 36 PM '77
RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

Assoc. Dir.	
Dep. AD Adm.	
Dep. AD Inv.	
Asst. Dir.:	
Adm. Serv.	
Crim. Inv.	
Ident.	
Intell.	
Lab.	
Legal Coun.	
Off. & Insp.	
Rec. Inv.	
Tech. Servs.	
Training	
Off. Liaison	
Public Affs. Off.	
Telephone Rm.	
Director's Sec'y.	

b7C
b6

b7C
b6

EX-111

REC-56

22 FEB 2 1978

LEGAL COUNSEL

PAGE TWO EP 62-2223 E F T O

OF RECORD, JOSEPH A. CALAMIA AND CHARLES MICHAEL MALLIN, AND FILES THIS HIS MOTION TO DISMISS THE ABOVE STYLED AND NUMBERED CAUSE INsofar AS IT PERTAINS TO DEFENDANT FRANCIS (JOE) PRASEK, AND FOR GOOD GROUNDS WOULD SHOW UNTO THE COURT THE FOLLOWING:

"I.

"THE 'COMPLAINT ' IN THE ABOVE STYLED AND NUMBERED CAUSE FAILS TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED AS TO DEFENDANT FRANCIS (JOE) PRASEK, AS THE BASIS OF SAID 'COMPLAINT ' IS BASED UPON A COMBINATION AND CONSPIRACY OF THE NAMED DEFENDANTS, AND NO WHERE IN SAID 'COMPLAINT ' IS IT ALLEGED SPECIFICALLY AS TO WHAT DEFENDANT FRANCIS (JOE) PRASEK WAS SUPPOSED TO HAVE DONE, AND THE PROBABLE NATURE OF DEFENDANT PRASEK'S ACTIONS CAN NOT BE GLEANED FROM THE NATURE OF THE CONSPIRACY ALLEGED IN SAID 'COMPLAINT'. FURTHERMORE, THE 'COMPLAINT ' ALLEGES NO SPECIFIC ACT OR CONDUCT ON THE PART OF DEFENDANT PRASEK AND THE 'COMPLAINT ' IS SILENT AS TO DEFENDANT PRASEK EXCEPT FOR HIS NAME APPEARING IN THE CAPTION.

"II.

"THE 'COMPLAINT' DOES NOT STATE A CLAIM UPON WHICH RELIEF IN THE FORM OF A MANDATORY INJUNCTION IS PRAYED FOR CAN BE GRANTED. THERE IS NO ALLEGATION THAT FRANCIS (JOE) PRASEK IS A CUSTODIAN OF OR IN POSSESSION OF THE ITEMS SOUGHT TO BE RETURNED. THERE IS NO SHOWING THAT IT WOULD BE WITHIN THE POWER OF FRANCIS (JOE) PRASEK TO RETURN THOSE ITEMS TO PLAINTIFFS WERE SUCH A MANDATORY INJUNCTION TO ISSUE AGAINST HIM.

"WHEREFORE, PREMISES CONSIDERED, DEFENDANT, FRANCIS (JOE) PRASEK, PRAYS THAT THE COURT SET A TIME AND A DATE FOR HEARING UPON THIS MOTION TO DISMISS PURSUANT TO RULE 12 (B), AND THAT, UPON HEARING HEREOF, THE COURT ORDER THAT THE 'COMPLAINT' BE IN ALL THINGS DISMISSED AS TO FRANCIS (JOE) PRASEK.

"BRIEF IN SUPPORT OF THE MOTION OF
FRANCIS (JOE) PRASEK TO DISMISS
PURSUANT TO RULE 12(B)

"TO THE HONORABLE JUDGE OF SAID COURT:

"NOW COMES FRANCIS (JOE) PRASEK, DEFENDANT IN THE ABOVE STYLED AND NUMBERED CAUSE AND FILES THIS HIS BRIEF IN SUPPORT OF HIS MOTION TO DISMISS THE PLAINTIFFS' COMPLAINT INSOFAR AS IT PERTAINS TO HIMSELF AND SHOWS THE COURT THE FOLLOWING:

"I.

"THE ONLY MENTION OF FRANCIS (JOE) PRASEK IN THE ENTIRE 'COMPLAINT ' IS IN THE 'CAPTION' AND 'PREAMBLE' ON PAGE ONE AND IN THE INDIVIDUAL LIST OF DEFENDANTS ON PAGE THREE, PARAGRAPH SEVEN. AS TO THE ALLEGATIONS WHICH ARE THE BASIS OF PLAINTIFFS' 'COMPLAINT', THE 'COMPLAINT' ALLEGES NO SPECIFIC ACT OR CONDUCT ON THE PART OF DEFENDANT, FRANCIS (JOE) PRASEK AND THE 'COMPLAINT ' IS SILENT AS TO DEFENDANT PRASEK EXCEPT FOR HIS NAME APPEARING IN THE CAPTION. POTTER V. CLARK, 497 F 2D 1206, (7TH CIR, 1974). WHERE A COMPLAINT MERELY NAMES A DEFENDANT AND, THOUGH ALL NAMED DEFENDANTS AS A CLASS ARE ALLEGED TO HAVE TAKEN PART IN A MULTI-FACETED CONSPIRACY, THERE IS NO HINT AS TO WHAT A PARTICULAR

DEFENDANT WAS SUPPOSED TO HAVE DONE AND THE PROBABLE NATURE OF THE DEFENDANT'S ACTIONS CANNOT BE GLEANED FROM THE NATURE OF THE CONSPIRACY ALLEGED, NO CLAIM IS STATED AGAINST SAID DEFENDANT UPON WHICH RELIEF CAN BE GRANTED. KADAR CORP. V. MILBURY, 549 F 2D 230.

"ANSWER OF DEFENDANT

FRANCIS (JOE) PRASEK

"DEFENDANT FRANCIS (JOE) PRASEK, BY HIS UNDER SIGNED ATTORNEYS ANSWERS THE COMPLAINT IN THE ABOVE ENTITLED ACTION AS FOLLOWS:

"I.

"INSUFFICIENCY OF SERVICE OF
PROCESS, LACK OF JURISDICTION OVER THE
PERSON, AND IMPROPER VENUE.

"DEFENDANT FRANCIS (JOE) PRASEK, AVERS THAT THE ABOVE NUMBERED AND ENTITLED ACTION PROCESS WAS INSUFFICIENTLY SERVED, THAT THIS COURT LACKS PERSONAL JURISDICTION OVER HIS PERSON, AND THAT THE VENUE OF THIS ACTION IS IMPROPER, THE AFOREMENTIONED AVERMENTS ARE MADE FOR THE FOLLOWING GOOD AND SUFFICIENT REASONS:

"1.) DEFENDANT PRASEK ALLEGES, THAT THE SERVICE OF PROCESS IN THIS ACTION WAS INSUFFICIENT. PLAINTIFFS ALLEGE THAT SPECIAL AGENT PRASEK MAY AND WAS SERVED WITH SUMMONS AND COMPLAINT BY DELIVERING SAME TO THE FEDERAL BUREAU OF INVESTIGATION, UNITED STATES FEDERAL COURTHOUSE, PHOENIX, ARIZONA, BY CERTIFIED MAIL, RETURN, RECEIPT, REQUESTED.

"IN THE ALTERNATIVE IF DEFENDANT, AGENT PRASEK, WAS SERVED WITH SUMMONS AND COMPLAINT BY CERTIFIED MAIL, RETURN, RECEIPT, REQUESTED, SUCH SERVICE WAS IMPROPER AND INSUFFICIENT. PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 4 (D) (5) AN OFFICER OF THE UNITED STATES, IS SERVED BY SERVING THE UNITED STATES AND BY DELIVERING A COPY OF THE SUMMONS AND OF THE COMPLAINT TO SUCH OFFICER. DEFENDANT PRASEK WAS NEVER SERVED PURSUANT TO THE REQUIREMENTS OF RULE 4 (D) (5) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

"PLAINTIFFS ATTEMPT TO RELY UPON TITLE 28, U.S.C.A., SECTION 1391 (E) WHICH ALLOWS THE SERVICE OF SUMMONS AND COMPLAINT ON AN OFFICER OF THE UNITED STATES BY CERTIFIED

PAGE SEVEN EP 62-2223 E F T O

MAIL, WHERE SAID OFFICER IS LOCATED BEYOND THE TERRITORIAL LIMITS OF THE DISTRICT IN WHICH THE ACTION IS BROUGHT. HOWEVER, THE PROVISIONS OF TITLE 28 U.S.C.A. SECTION 1391 (E) APPLIES ONLY IF A CLAIM IS STATED AGAINST A FEDERAL OFFICER IN HIS OFFICIAL CAPACITY, HERE THE COMPLAINTS INVOLVE SUING DEFENDANT PRASEK INDIVIDUALLY FOR MONEY DAMAGES, AND FOR THAT PURPOSE TITLE 28 U.S.C.A. SECTION 1391 (E) IS NOT AVAILABLE OR APPLICABLE, AND SERVICE BY CERTIFIED REGISTERED MAIL DOES NOT SATISFY THE REQUIREMENTS OF RULE 4 (D) (5), FEDERAL RULES OF CIVIL PROCEDURE.

"2.) DEFENDANT PRASEK ALLEGES, THAT THE COURT LACKS JURISDICTION OVER THE DEFENDANT BECAUSE, DEFENDANT IS A RESIDENT OF THE STATE OF ARIZONA AND WAS NOT, AND IS NOT SUBJECT TO PROCESS WITHIN THE WESTERN DISTRICT OF TEXAS, AND NO PROPER SERVICE OF PROCESS WAS EVER AFFECTED OR OBTAINED ON THIS DEFENDANT, PURSUANT TO THE LAWS OF THE UNITED STATES.

"3.) DEFENDANT ALLEGES, THAT VENUE OF THIS ACTION IS IMPROPER IN THAT PLAINTIFFS RELY ON TITLE 28, U.S.C.A.

SECTION (B) AS NOT ALL DEFENDANTS RESIDE IN THE WESTERN DISTRICT OF TEXAS, AND ON THE FACE OF THE COMPLAINT IN THIS CAUSE, THE ALLEGATIONS SHOW THAT NO ACTS OCCURRED IN EL PASO, EL PASO COUNTY, TEXAS, WHICH LEAD TO THE DEATH OF RALPH J. SIGLER. THEREFORE, THE CLAIM DID NOT ARISE IN THIS JUDICIAL DISTRICT.

"THERE IS NO PROPER VENUE UNDER TITLE 28, U.S.C.A. SECTION 1391 (E) AS THE VENUE PROVISIONS OF THAT STATUTE APPLIES ONLY IF A CLAIM IS STATED AGAINST A FEDERAL OFFICER IN HIS OFFICIAL CAPACITY, HERE THE COMPLAINT INVOLVES SUING DEFENDANT PRASEK INDIVIDUALLY FOR MONEY DAMAGES AND FOR THAT PURPOSE TITLE 28, U.S.C.A., SECTION 1391 (E) IS NOT AVAILABLE, OR APPLICABLE.

"II.

"JURISDICTION

"IN ANSWER TO THE NUMBERED PARAGRAPHS IN THE SECTION ENTITLED JURISDICTION, DEFENDANT FRANCIS (JOE) PRASEK, ADMITS, DENIES AND AVERS AS FOLLOWS:

"1.) DEFENDANT PRASEK IS WITHOUT KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF AS TO THE TRUTH OF THE AVERMENTS AND ALLEGATIONS.

"2.) DENY.

"3.) DENY.

"4.) DENY.

"III.

"VENUE

"IN ANSWER TO THE NUMBERED PARAGRAPHS ENTITLED VENUE, DEFENDANT FRANCIS (JOE) PRASEK ADMITS, DENIES AND AVERS AS FOLLOWS:

"1.) DEFENDANT PRASEK DENIES THAT THIS COURT HAS VENUE OF THIS ACTION UNDER TITLE 28, U.S.C.A. SECTION 1391 (B) (E), OR UNDER ANY STATUTE R ULE PROVISION UNDER THE LAWS OF THE UNITED STATES. FURTHER, ALL MATTERS ALLEGED SO AS TO

GRANT THIS COURT VENUE ARE DENIED.

"2.) DENY.

"IV.

"NATURE OF SUIT

"IN ANSWER TO THE NUMBERED PARAGRAPHS IN THE SECTION ENTITLED NATURE OF SUIT, DEFENDANT FRANCIS (JOE) PRASEK ADMITS, DENIES, AND AVERS AS FOLLOWS:

"1.) DEFENDANT PRASEK ADMITS THIS SUIT IS BROUGHT BY ILSE M. SIGLER, WIDOW OF RALPH J. SIGLER, AND KARIN M. SIGLER, DAUGHTER OF THE DECEASED, RALPH J. SIGLER, AND ADMITS THIS SUIT IS BROUGHT FOR THE PURPOSE OF OBTAINING MONEY DAMAGES BUT, SPECIFICALLY DENIES ALL ALLEGATIONS AS TO THE FACTUAL BASIS UPON WHICH THIS SUIT IS PREDICATED AND FURTHER SPECIFICALLY D ENIES THAT THE ACTIONS ON THE PART OF THE DEFENDANTS HEREIN NAMED WAS IN VIOLATION OF THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

"2.) DEFENDANT PRASEK IS WITHOUT KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF AS TO THE TRUTH OF THE AVERMENTS

OR ALLEGATIONS.

"V.

"HISTORY OF CONTROVERSY

"IN ANSWER TO THE NUMBERED PARAGRAPHS IN THE SECTION ENTITLED HISTORY OF CONTROVERSY, DEFENDANT FRANCIS (JOE) PRASEK ADMITS, DENIES, AND AVERS AS FOLLOWS:

"1.) ADMIT.

"2.) ADMIT.

"3.) ADMIT.

"4.) DEFENDANT ADMITS ALL ALLEGATIONS IN PARAGRAPH FOUR, (4), EXCEPT DEFENDANT PRASEK IS WITHOUT KNOWLEDGE OF THE ALLEGATION SUFFICIENT TO FORM A BELIEF AS TO THE TRUTH OF THE ALLEGATION THAT RALPH J. SIGLER MAINTAINED CLOSE CONTACTS WITH ALL OF THE ABOVE ENTITIES THROUGH VARIOUS OF THE DEFENDANTS HEREIN.

"5.) DEFENDANT PRASEK IS WITHOUT KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF AS TO THE TRUTH OF THE ALLEGATIONS OR AVERMENTS IN PARAGRAPH FIVE, (5).

"6.) DEFENDANT PRASEK IS WITHOUT KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF AS TO THE TRUTH OF THE ALLEGATIONS OR AVERMENTS IN PARAGRAPH SIX, (6).

10 ELVE EP 62-222 E F T O

"7.) DEFENDANT PRASEK IS WITHOUT KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF AS TO TRUTH OF THE ALLEGATIONS OR AVERMENTS IN PARAGRAPH SEVEN , (7).

"8.) DEFENDANT PRASEK IS WITHOUT KNOWLEDGE OR INFORMATION SUFFICIENT TO FORM A BELIEF AS TO THE TRUTH OF THE ALLEGATIONS OR AVERMENTS IN PARAGRAPH EIGHT , (8).

"9.) DENY.

"10.) DENY.

"VI.

"VIOLATIONS

"IN ANSWER TO THE NUMBERED PARAGRAPHS IN THE SECTION ENTITLED VIOLATIONS, DEFENDANT FRANCIS (JOE) PRASEK ADMITS, DENIES, AND AVERS AS FOLLOWS:

"COUNT 1 - DENY.

"COUNT 2 - DENY.

"COUNT 3 - DENY.

"COUNT 4 - DENY.

"COUNT 5 - DENY.

"COUNT 6 - DENY.

"AFFIRMATIVE DEFENSES

"I.

"DEFENDANT, FRANCIS (JOE) PRASEK SPECIFICALLY DENIES THAT HE INDIVIDUALLY, OR ACTING IN COMBINATION, OR IN CONSPIRACY, OR IN CONCERT OF ACTION DID UNLAWFULLY SEIZE THE PAPERS, CHATTELS, OR OTHER MEMORABILIA OF THE DECEASED, RALPH J. SIGLER, FROM HIS RESIDENCE LOCATED IN EL PASO, EL PASO COUNTY, TEXAS, AND AFTER DEMAND, FAILED TO RETURN THE PAPERS, CHATTELS, OR OTHER MEMORABILIA, IN VIOLATION TO THE FOURTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA. FURTHER, DEFENDANT FRANCIS (JOE) PRASEK SPECIFICALLY DENIES THAT HE INDIVIDUALLY OR ACTING IN COMBINATION, OR IN CONSPIRACY, OR IN CONCERT OF ACTION, DID MURDER RALPH J. SIGLER OR KNOWINGLY PLACE HIM IN A POSITION OF EXTREME DANGER AND, AFTER DOING SO, FAILED TO PROTECT HIM, AND DEFENDANT PRASEK FURTHER SPECIFICALLY DENIES THAT HE ACTED IN VIOLATION OF THE FIFTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA IN THIS CONNECTION AND SPECIFICALLY DENIES THAT HE IS GUILTY OF ANY WRONGDOING.

"II.

"DEFENDANT, FRANCIS (JOE) PRASEK ALLEGES THAT HE IN NO WAY INDIVIDUALLY, OR ACTING IN ANY OFFICIAL CAPACITY COMBINED WITH ANY CO-DEFENDANT OR ANY PERSON OR ANY GOVERNMENTAL AGENCY OR CONSPIRE WITH ANY CO-DEFENDANT OR WITH ANY PERSON OR GOVERNMENTAL AGENCY OR PARTICIPATED IN ANY OF THE WRONGFUL OR UNCONSTITUTIONAL ACTS WHICH ARE ALLEGED TO HAVE LED TO THE DEATH OF THE DECEASED, RALPH J. SIGLER.

"III.

"DEFENDANT PRASEK ALLEGES, THAT SINCE THE ALLEGED ACTS ON PART OF THE DEFENDANTS WHICH ARE THE BASIS OF THIS CAUSE OF ACTION ARE ALLEGED TO HAVE OCCURRED WHILE SAID DEFENDANT PRASEK WAS EITHER ACTING IN HIS OFFICIAL CAPACITY OR UNDER COLOR OF LEGAL AUTHORITY, DEFENDANT PRASEK IS ENTITLED TO ABSOLUTE IMMUNITY FROM SUIT, AND PLAINTIFFS ARE NOT ENTITLED TO MAINTAIN THIS ACTION AGAINST DEFENDANT PRASEK.

"IV.

"DEFENDANT PRASEK IN THE ALTERNATIVE, ALTHOUGH SPECIFICALLY DENYING THAT HE INDIVIDUALLY, OR ACTING IN ANY OFFICIAL CAPACITY, COMBINED, CONFEDERATED, CONSPIRED, OR PARTICIPATED WITH ANY CO-DEFENDANT, OR ANY PERSON NOT NAMED, OR GOVERNMENTAL AGENCY IN ANY OF THE WRONGFUL OR UNCONSTITUTIONAL ACTS WHICH ARE ALLEGED TO HAVE LED TO THE DEATH OF THE DECEASED, RALPH J. SIGLER, AND WITHOUT WAIVING ANY DEFENSE, AFFIRMATIVELY ALLEGES THAT AT ALL TIMES HEREIN MENTIONED DEFENDANT, ACTING AS A SPECIAL AGENT FOR THE F. B. I. ACTED WITHIN THE SCOPE OF HIS RESPONSIBILITIES OF HIS OFFICE AND POSITION. THAT ANY ACTION TAKEN, IF ANY, BY DEFENDANT CONCERNING THE FACTS ALLEGED AS THE BASIS OF THIS SUIT WERE SO TAKEN BY DEFENDANT IN THE GOOD-FAITH FULFILLMENT OF HIS RESPONSIBILITIES OF AN F. B. I. AGENT AND WERE WITHIN THE BOUNDS OF REASON UNDER ALL THE CIRCUMSTANCES, THEREFORE, DEFENDANT IS IMMUNE, AND PLAINTIFFS ARE NOT ENTITLED TO MAINTAIN THIS ACTION AGAINST DEFENDANT PRASEK.

"V.

"DEFENDANT, FRANCIS (JOE) PRASEK, WOULD SHOW UNTO THE COURT THAT IN THE CAPTION AND PREAMBLE OF THE COMPLAINT HE IS NAMED AS FRANCES (JOE) PRASEK. HOWEVER, THE TRUE SPELLING OF HIS FIRST NAME IS FRANCIS AND DEFENDANT WOULD MOVE THIS COURT TO HAVE ALL PAPERS IN THIS CAUSE REFLECT THE TRUE AND CORRECT SPELLING OF MR. PRASEK'S NAME, TO-WIT: FRANCIS (JOE) PRASEK.

DEFENDANT, FRANCIS (JOE) PRASEK, RESERVES THE RIGHT TO AMEND THESE ANSWERS, AS THE FACTS AND CIRCUMSTANCES MAY JUSTIFY.

"PRAYER

"WHEREFORE, PREMISES CONSIDERED, DEFENDANT FRANCIS (JOE) PRASEK PRAYS:

"1.) THAT FOR THE REASONS HEREIN STATED THAT IS BECAUSE, OF THE INSUFFICIENCY OF SERVICE OF PROCESS, LACK OF JURISDICTION, AND IMPROPER VENUE, THAT THIS ACTION BE DISMISSED AND THAT THE APPROPRIATE ORDERS BE ENTERED HEREIN IN FAVOR OF FRANCIS (JOE) PRASEK.

"2.) THAT JUDGMENT BE ENTERED BY THIS COURT THAT PLAINTIFFS TAKE NOTHING BY THIS THEIR SUIT AND THAT ALL RELIEF PRAYED FOR BY THE PLAINTIFFS BE DENIED AND FOR COSTS OF SUIT. "

BUREAU SHOULD TAKE NOTE DEFENDANT PRASEK IS REQUIRED TO ANSWER BY OR ON JULY 29, 1977, IN U. S. DISTRICT CLERK'S OFFICE, EL PASO, TEXAS.

LEGAL COUNSEL DIVISION IS REQUESTED TO REVIEW MOTION, BRIEF, AND ANSWER WITH APPROPRIATE PERSONNEL AND ADVISE EL PASO AS EXPEDITIOUSLY AS POSSIBLE OF ANY OBJECTIONS TO CONTENTS.

BT

PX0869 0680

~~SECRET~~

PP HQ

DE PX

P 090355A MAR 77

FM PHOENIX (02 NEW) P

TO DIRECTOR PRIORITY

BT

E F T O

ATTENTION: [REDACTED] CIVIL LITIGATION UNIT.

ILSE M. SIGLER AND KAR IN M. SIGLER VS. MAJOR GENERAL C. J. LE
VAN; ET AL; U. S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS,
EL PASO DIVISION, CIVIL ACTION NO. EP 77 CA35; MISCELLANEOUS
CIVIL SUIT.

RE EL PASO AIRTEL TO DIRECTOR FEBRUARY 22, 1977, AND
TELCALL OF SA [REDACTED] MARCH 8, 1977.

WITH REGARD TO THE COMPLAINT FILED BY PLAINTIFFS IN THIS
MATTER, WHILE JURISDICTION OF THE UNITED STATES DISTRICT COURT
WESTERN DIVISION, EL PASO MUST BE ADMITTED, WE SHOULD DENY THAT
THE AMOUNT IN CONTROVERSY, AS TO SA PRASEK, EXCEEDS \$10,000.
WE MUST DENY ANY BUREAU PARTICIPATION IN THE "DEBRIEFING" OF

~~SECRET~~

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 09-19-2019 BY: [REDACTED]

07/02/03

CLASSIFIED BY [REDACTED] NLS/LP/MAJAD Inv.
DECLASSIFY ON: 25X 1
#941198

MAR 8 11 10 AM '77

RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Dir.: _____
S. & T. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Intell. _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Inv. _____
Ing _____
one Rm. _____
r's Sec'y _____

b7C
b6

b7C
b6

b7C
b6

b6
b7C

REC-56

62-117536-17

124

LEGAL COUNSEL

ICC
733E

~~SECRET~~

PAGE TWO PX 62 NEW E F T O

SIGLER, WHICH WAS ENTIRELY A U. S. ARMY FUNCTION OVER WHICH THEY CLAIMED COMPLETE AND TOTAL JURISDICTION AND CONTROL AND DENY HAVING ANY INFORMATION ANYONE MURDERED OR PLACED SIGLER IN A POSITION OF EXTREME DANGER AND THEN FAILED TO PROTECT HIM.

LIKewise, WE MUST DENY JURISDICTION ALLEGATION II 3, AS SET FORTH IN THE COMPLAINT AND INDICATE THAT SA PRASEK WAS SHOWN WRITTEN MATERIALS BY SA JOHN SCHAFFSTALL WHICH SCHAFFSTALL STATED CAME FROM THE RESIDENCE OF RALPH J. SIGLER AND HAD BEEN OBTAINED BY SCHAFFSTALL AS A RESULT OF A CONSENT SEARCH. THESE MATERIALS, TO THE BEST OF SA PRASEK'S RECOLLECTION, CONSISTED OF A NOTEBOOK WITH HANDWRITTEN ENTRIES WHICH MENTIONED SA PRASEK AS "JOE" AND SA CARLOS ZAPATA, USINTA RESIDENT AGENT, EL PASO, AS "CARLOS." THERE MAY HAVE BEEN OTHER ITEMS, BUT NONE CAN BE RECALLED AT THIS TIME; HOWEVER, THE EL PASO CASE FILE SHOULD CONTAIN A MEMORANDUM REGARDING THIS MEETING AND MAY SET OUT A DETAILED LISTING OF WHAT ITEMS SCHAFFSTALL HAD IN HIS POSSESSION. SA PRASEK HAS NO KNOWLEDGE OF INFORMATION AS TO THE PRESENT WHEREABOUTS OF THE ABOVE MENTIONED PAPERS TAKEN

~~SECRET~~

~~SECRET~~

PAGE THREE PX 62 NEW E F T O

FROM THE SIGLER RESIDENCE BY JOHN SCHAFFSTALL, USINTA AGENT,
FORT MEADE, MARYLAND.

WE MUST ADMIT PART ONE OF ITEM ONE OF HISTORY OF CONTROVERSY
SECTION OF THE COMPLAINT AS THESE WERE LEARNED FROM THE U. S.
ARMY BACKGROUND INVESTIGATION. SA PRASEK, AS THE BUREAU IS
AWARE, KNEW RALPH J. SIGLER TO BE A MEMBER OF THE UNITED STATES
ARMY ASSISTING THAT SERVICE AND

b7D
b7E

AS SET FORTH IN SECTION FIVE, HISTORY OF CONTROVERSY IN
THE COMPLAINT, ITEMS TWO, THREE AND FOUR, THESE ARE ESSENTIALLY
CORRECT.

REGARDING THE HISTORY OF CONTROVERSY SECTION OF THE

~~SECRET~~

~~SECRET~~

PAGE FOUR PX 62 NEW E F T O

COMPLAINT, ITEM FIVE, WHILE SIGLER WAS APPROACHING RETIREMENT, HE WAS NEVER KNOWN TO BE ASSEMBLING HIS MEMOIRS NOR DID HE INTEND TO WRITE A BOOK, TO THE BEST OF SA PRASEK'S KNOWLEDGE. THE "WRITING OF A BOOK" WAS A JOKE AMONG SIGLER, SA PRASEK, AND SA ZAPATA, AND CAME ABOUT WHEN SIGLER INQUIRED AS TO HOW THE WORLD WOULD EVER KNOW OF HIS WORK ON BEHALF OF THE UNITED STATES. FROM THIS INQUIRY AROSE THE JEST, UNDERSTOOD BY ALL AS SUCH, THAT SOME DAY AFTER THE OPERATION WAS OVER AND THE FACTS COULD BE MADE PUBLIC, A BOOK WOULD BE WRITTEN ABOUT HIS EXPLOITS.

SA PRASEK HAS NO KNOWLEDGE OF SIGLER BEING ORDERED TO FORT MEADE FOR ANY REASON, AND HE WAS LAST CONTACTED BY SA PRASEK ON OR ABOUT MARCH 16, 1976, WHEN SIGLER WAS TRAVELING IN SAN FRANCISCO FOR "ROUTINE POLYGRAPH" EXAMINATION TO BE CONDUCTED OF HIM IN ACCORDANCE WITH U. S. ARMY REGULATIONS. SUBSEQUENTLY, SA PRASEK WAS INSTRUCTED BY THE BUREAU, AT ARMY REQUEST, TO NOT HAVE CONTACT WITH SIGLER UNTIL FURTHER NOTICE.

SA PRASEK HAS NO PERSONAL KNOWLEDGE OF ANYTHING THAT HAPPENED BETWEEN MARCH 16, 1976, AND APRIL 13, 1976, WHEN SIGLER WAS FOUND DECEASED; HOWEVER, SA PRASEK WAS ADVISED BY

~~SECRET~~

~~SECRET~~

PAGE FIVE PX 62 NEW E F T O

SA CARLOS ZAPATA A FEW DAYS AFTER MARCH 16, 1976, EXACT DATE UNRECALLED, THAT SOME "PROBLEMS" HAD BEEN ENCOUNTERED IN SAN FRANCISCO AND THAT THE DEBRIEFING WOULD CONTINUE IN THE VERY NEAR FUTURE IN ANOTHER LOCATION, EXACT WHEREABOUTS UNKNOWN TO SA PRASEK. SA PRASEK HAS NO PERSONAL KNOWLEDGE OF ANY OF THE ACTIVITIES OF SIGLER OR THE U. S. ARMY AUTHORITIES WHILE ALLEGEDLY UNDERGOING DEBRIEFING BY U. S. ARMY AUTHORITIES AT SAN FRANCISCO OR AT ANY OTHER LOCATION INCLUDING FORT MEADE, MARYLAND.

SA PRASEK'S NEXT KNOWLEDGE OF SIGLER WAS WHEN HE WAS ADVISED BY SA ZAPATA THAT SIGLER HAD BEEN FOUND DEAD IN A MOTEL ROOM IN A CITY IN MARYLAND, NAME OF CITY NOW UNRECALLED.

IN ACCORDANCE WITH RETELCALL, SA PRASEK BELIEVES THAT DIVISION FIVE, FBIHQ, IS IN THE BEST POSITION TO PREPARE THE NECESSARY LHM AND HEREBY REQUEST THAT SUCH LHM BE PREPARED IN LINE WITH SUGGESTIONS OF SUPERVISOR JAMES JOHNSON INTD.

~~CLASSIFIED SECRET BY 6236, XGDS 2 AND 3, INDEFINITE. 45584~~

BT

~~SECRET~~

b7D
b7E

UNITED STATES GOVERNMENT

Memorandum

TO : The Associate Director

DATE: 1/31/78

FROM : Legal Counsel

SUBJECT: ILSE M. SIGLER, et al., v.
MAJOR GENERAL C.P. LE VAN, et al.
(U.S.D.C., W.D. TEXAS)
CIVIL ACTION NO. EP 77-CA-35

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Serv. _____
Crim. Inv. _____
Fin. & Pers. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Spec. Inv. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

PURPOSE: To recommend travel of Special Agent (SA) James Walter Johnson, Federal Bureau of Investigation (FBI) Headquarters, on 1/31/78, to El Paso, Texas, to attend deposition of SA Francis J. Prasek.

SYNOPSIS AND DETAILS: SA Francis J. Prasek, Phoenix Division, will be deposed on 2/1/78, in connection with captioned litigation at El Paso, Texas. Plaintiff's husband, Ralph J. Sigler, committed suicide by electrocution in April, 1976. Plaintiff alleges in this civil action that her husband's suicide was brought about either deliberately or negligently by Agents of the United States Army Intelligence Agency and Agents of the FBI. Department of Justice Attorney John Seibert has been granted permission by plaintiff's counsel to attend the deposition of SA Prasek for the purpose of objecting to questions which could elicit answers involving classified material. SA Prasek is represented by private counsel at Government expense. To this end, Mr. Seibert has requested the assistance of an Agent experienced in foreign counterintelligence investigations and in particular, an Agent close to the Sigler investigation who can assist him in recognizing sensitive areas. SA James Walter Johnson, now assigned to the Inspection Division, is not

1 - Mr. Colwell
Attn: Mr. Johnson
1 - Mr. Leavitt
Attn: Mr. Peterson

1 - Mr. Mintz
1 - Civil Litigation Unit

EPM:tml

(5)



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

Memo to The Associate Director
From Legal Counsel

Re: ILSE M. SIGLER, et al., v.
MAJOR GENERAL C.P. LE VAN, et al.

only familiar with the Sigler operation and foreign counterintelligence investigations, but is also familiar with the allegations and general thrust of this civil litigation.

RECOMMENDATION: That SA Johnson travel to El Paso, Texas, on 1/31/78, to attend the deposition of SA Prasek on 2/1/78.

jit

KFP

APPROVED:

[Signature]
Special Agent in Charge
U.S. Department of Justice
Federal Bureau of Investigation
Washington, D.C.

ASST. DIR. _____
ADM. ASST. _____
INSP. _____
IDENT. _____
LABORATORY _____

[Signature]
Legal Counsel
U.S. Department of Justice
Federal Bureau of Investigation
Washington, D.C.

~~SECRET~~

DECLASSIFICATION AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
DATE 09-19-2019 BY: [REDACTED]

07/02/03

CLASSIFIED BY [REDACTED] NLS/LP/MAJ
DECLASSIFY ON: 25X 1

b7C
b6

PX064 9 357 0540Z

RR HQ EP

DE PX

R 230540Z D EC 77

FM PHOENIX (62 2146) P

TO DIRECTOR (62 22237) ROUTINE

BT

~~SECRET~~

ATTENTION: LEGAL COUNSEL DIVISION

ILSE M. SIGLER, ET AL, VS. MAJOR GENERAL C. J. LEVAN, ET AL.

(U.S.D .C., W.D. TEXAS, EL PASO DIVISION). CIVIL ACTION NO.

EP 77 CA 0035. MISCELLANEOUS - CIVIL SUIT. OO: EL PASO.

REPX AIRTEL TO DIRECTOR, NOVEMBER 21, 1977. (U)

ON DECEMBER 20, 1977, CHARLES MICHAEL MALLIN, CO COUNSEL FOR
SA FRANCIS J. PRASEK IN THIS MATTER, ADVISED SA PRASEK THAT AN
AGREEMENT HAD BEEN REACHED AMONG THE ATTORNEYS IN THIS CASE, WITH
APPROVAL OF US DISTRICT JUDGE, AS TO THE DATES THAT DEPOSITIONS
WOULD BE TAKEN. (U)

SA PRASEK IS SCHEDULED TO BE DEPOSED ON FEBRUARY 1, 1978,
AT EL PASO. DEPOSITIONS WILL BE TAKEN FROM THE OTHER DEFENDANTS
IN THE WASHINGTON, D.C. AREA DURING THE WEEK OF FEBRUARY 13-17.

EX-11 REC-54

62-117536-19

~~SECRET~~

[REDACTED]

100 7335 271

crook/pd/0500

b7C
b6

~~SECRET~~

PAGE TWO PX 62 2146 ~~SECRET~~

1978. ATTORNEY MALLIN, SA PRASEK AND THE PLAINTIFFS' ATTORNEYS WILL PARTICIPATE IN THIS ACTIVITY AT THAT LOCATION. IN ACCORDANCE WITH BUREAU INSTRUCTIONS, SAC AUTHORITY IS BEING GRANTED FOR SA PRASEK TO PERFORM THE NECESSARY TRAVEL. (U)

IN THE COURSE OF THESE DEPOSITIONS COUNSEL HAS ADVISED THAT IT IS QUITE PROBABLE THAT INFORMATION REGARDING THE DIVISION OF RESPONSIBILITIES BETWEEN THE U.S. ARMY INTELLIGENCE AGENCY (USAINA) AND THE FBI MAY BECOME THE SUBJECT OF INQUIRY. AS FAR AS SA PRASEK IS AWARE, ALL OF THE INFORMATION IN THE EL PASO FILE RELATING TO [REDACTED] IS STILL CLASSIFIED SECRET AND TOP SECRET AND NOT AVAILABLE FOR PUBLIC RELEASE. THEREFORE, SINCE THIS INFORMATION REMAINS HIGHLY CLASSIFIED, SPECIFIC INSTRUCTION AS TO THE DISCUSSION OF SUCH INFORMATION OR THE BASIS FOR CLAIM OF EXECUTIVE PRIVILEGE RELATING TO IT IS REQUESTED BY SA PRASEK. (U)

b7D

IN ADDITION TO THE ABOVE, AS THE BUREAU IS AWARE, CERTAIN INFORMATION MAY HAVE COME TO THE ATTENTION OF USAINA WHICH COULD HAVE CAUSED THE USAINA TO REACH A CONCLUSION THAT SUCH INFORMATION REFLECTED ADVERSELY UPON THE OPERATIONAL INTEGRITY OF [REDACTED] INFORMATION OF SUCH A NATURE DID ORIGINATE THROUGH [REDACTED]

b7D

[REDACTED] SA PRASEK HAS NOT DIVULGED TO NOR DISCUSSED WITH HIS COUNSEL

b7D

~~SECRET~~

~~SECRET~~

b7D

PAGE THREE PX 62 2 146

~~SECRET~~

THE [REDACTED] INFORMATION. ~~(S)~~ (U)

AS THE BUREAU MUST BE AWARE, PLAINTIFFS' COUNSEL WILL LOGICALLY BE EXPECTED TO EXTENSIVELY QUESTION SA PRASEK AS WELL AS OTHER CO-DEFENDANTS AS TO THEIR KNOWLEDGE OF ANY INFORMATION WHICH MIGHT HAVE REFLECTED UNFAVORABLY UPON THE OPERATIONAL INTEGRITY AND/OR RELIABILITY OF FORMER [REDACTED] (U)

b7D

SINCE SA PRASEK, BECAUSE OF THE EXTREME SENSITIVITY OF [REDACTED] [REDACTED] HAS NOT IN ANY WAY DIVULGED INFORMATION FROM OR EVEN THE EXISTENCE OF [REDACTED] TO HIS COUNSEL, NO DISCUSSION OF THIS POINT HAS BEEN HAD WITH HIM. ~~(S)~~ (U)

b7D

THEREFORE, SA PRASEK REQUESTS A DEFINITE STATEMENT AND INSTRUCTIONS FROM THE BUREAU AND DEPARTMENT OF JUSTICE RELATIVE TO THE DISCLOSING OF SUCH INFORMATION TO HIS COUNSEL. (U)

FURTHER, SPECIFIC DIRECTION IS REQUIRED BY SA PRASEK AS TO THE RESPONSE TO INQUIRY WHICH WILL LIKELY BE MADE BY PLAINTIFF'S OR CO DEFENDANTS' COUNSEL AND MAY WELL BRING TO THE SURFACE THE EXISTENCE OF [REDACTED] AND SUBSEQUENT RAMIFICATIONS AS TO IDENTITY, AVAILABILITY FOR TESTIMONY, ETC. IF EXECUTIVE PRIVILEGE IS TO BE CLAIMED IN THIS AREA THEN THE AUTHORITY AND BASIS FOR SUCH CLAIM SHOULD BE FORWARDED TO SA PRASEK. ~~(S)~~ (U)

b7D

*U. If necessary
to go to Exe
prior?
why not
relevant
objection*

~~SECRET~~

~~SECRET~~

PAGE FOUR PX 62 21 46 S E ~~X~~ R E T

IF THE DIVULGENCE OF SUCH INFORMATION IS CONSIDERED BY THE
BUREAU NOT TO BE DETRIMENTAL TO NATIONAL SECURITY, THEN SA PRASEK
SHOULD BE SO ADVISED. (U)

~~CLASSIFIED BY 6236, XGDS, CATEGORIES 2 AND 3, INDEFINITE.~~ (U)

BT

~~SECRET~~

PX0344 2100135Z

RR HQ EP

DE PX

R 280135Z JUL 77

FM PHOENIX (62 2146) (P)

TO DIRECTOR (62 117536) ROUTINE

EL PASO (62 2223) ROUTINE

BT

E F T O

ATTENTION LEGAL COUNSEL DIVISON, SUPERVISOR

ILSE M. SIGLER, ET AL., V. MAJOR LEVAN, ET AL (U.S.D.C., W.D.

TEXAS, EL PASO DIVISION) CIVIL ACTION #EP77CA0035.

RETELCALL FROM SUPERVISOR [REDACTED] TO EL PASO, JULY 27,

1977; EL PASO TELCALL TO PHOENIX, JULY 28, 1977.

SA FRANCIS J. PRASEK, IN CONNECTION WITH CAPTIONED MATTER, TRAVELED TO EL PASO, TEXAS, ON EVENING OF JUNE 28, 1977, AND RETURNED TO PHOENIX JUNE 29, 1977. ON JULY 13, 1977, HE AGAIN TRAVELED TO EL PASO, RETURNING AFTERNOON OF JULY 15, 1977.

SA PRASEK FURTHER TRAVELED TO EL PASO JUL 25, 1977, WHERE HE IS CURRENTLY ASSISTING ATTORNEYS CALAMIA AND WALLIN IN PREPARING ANSWER, MOTION FOR DISMISSAL AND SUPPORTING BRIEF, AS WELL AS

22 FEB 2 1978

RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

JUL 28 9 49 PM '77

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
Crim. Inv. _____
Fin. & Pers. _____
Ident. _____
Insp. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgmt. _____
Spec. Inv. _____
Tech. Serv. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

Rm 9338

b7C
b6

b7C
b6

REC 58

ST-103

DE-52

62-117536-21

LEGAL COUNSEL

178
20 JUL 1978

PAGE TWO PX 62 2146 E F T O

GENERAL DEFENSE IN CAPTIONED MATTER.

AUTHORITY FOR TRAVEL ON JUNE 28, 1977, AND JULY 13, 1977, WAS OBTAINED FROM SAC, PHOENIX. AUTHORITY FOR TRAVEL JULY 25, 1977, WAS OBTAINED FROM ASAC, PHOENIX, IN SAC'S ABSENCE. TRAVEL CONSIDERED TO BE ABSOLUTELY ESSENTIAL IN ORDER THAT DEFENSE MAY BE PROPERLY PREPARED AS ONLY SA PRASEK CAN EXPLAIN TO HIS ATTORNEYS SIGNIFICANCE OF DOCUMENTS CONTAINED IN FBI FILES.

THIS REPEATED TRAVEL WAS MADE NECESSARY DUE TO FACT THAT TOP SECRET CLEARANCES HAD NOT BEEN OBTAINED FOR ATTORNEYS CALAMIA AND MALLIN ON PREVIOUS OCCASIONS AND THE REVIEW OF DOCUMENTS BY THE ATTORNEYS WAS, THEREFORE, DELAYED UNTIL SUCH TIME AS CLEARANCES WERE GRANTED ON JULY 27, 1977.

SA PRASEK'S ATTORNEYS DESIRE AND CONSIDER VITAL HIS PRESENCE AT ANY FUTURE DEPOSITIONS WHICH MAY BE TAKEN OF ANY WITNESSES INCLUDING CO-DEFENDANTS. FUTURE TRAVEL BY SA PRASEK WILL BE KEPT TO A MINIMUM COMMENSURATE WITH PREPARATION OF ADEQUATE DEFENSE AND, UACB, WILL CONTINUE TO TRAVEL UPON AUTHORIZATION OF SAC, PHOENIX, AS REQUIRED TO CONDUCT PROPER DEFENSE IN CONNECTION WITH CAPTIONED SUIT.

BT

United States District Court

FOR THE

WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

EP CIVIL ACTION FILE NO. 35

EP-77-CA-_____

ILSE M. SIGLER
and
KARIN M. SIGLER

Plaintiffs

v.

Party or parties unknown who
are or who were members of
the FEDERAL BUREAU OF
INVESTIGATION in 1976

Defendants

SUMMONS

To the above named Defendants: Party or parties unknown who are or who were
members of the FEDERAL BUREAU OF INVESTIGATION in 1976

You are hereby summoned and required to serve upon

DIAMOND & RUBIN

plaintiff's attorneys, whose address

4100 Rio Bravo, Suite 211
El Paso, Texas 79902

an answer to the complaint which is herewith served upon you, within 20 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be
taken against you for the relief demanded in the complaint.

DAN W. BENEDICT

Clerk of Court

Deputy Clerk

Date: February 18, 1977

[Seal of Court]

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

RETURN ON SERVICE OF WRIT

INCONS FEB 24 1978
Out come 3/24/78 den

I hereby certify and return, that on the _____ day of _____, 19____, ^{FEB 1976}
 I received this summons and served it together with the complaint herein as follows:

MARSHAL'S FEES
 Travel ----- \$ -----
 Service -----

United States Marshal.
 By -----
Deputy United States Marshal.

Subscribed and sworn to before me, a _____ this _____
 day of _____, 19____.
 [SEAL] -----

Note:—Affidavit required only if service is made by a person other than a United States Marshal or his Deputy.

No. Ep-77-CA-
 United States District Court
 FOR THE
 WESTERN DISTRICT OF TEXAS
 EL PASO DIVISION
 ILSE M. SIGLER
 and
 KARIN M. SIGLER
 v.
 Party or parties unknown who
 are or who were members of
 the FEDERAL BUREAU OF
 INVESTIGATION in 1976
 SUMMONS IN CIVIL ACTION
 Returnable not later than 20 days
 after service.
 Sidney J. Diamond
 Attorney for Plaintiff

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

ILSE M. SIGLER and
KARIN M. SIGLER,

Plaintiffs,

vs.

MAJOR GENERAL C. J. LE VAN;
LIEUTENANT COLONEL CAREY
TOMLINSON; COLONEL DONALD B.
GRIMES; MAJOR GENERAL H. R.
AARONS; MR. NOEL JONES;
CHIEF WARRANT OFFICER CARLOS
ZAPATA; SPECIAL AGENT
FRANCES (JOE) PRASEK;
MR. LEWIS MARTEL;
MR. JOHN SCHAFFSTALL;
Party or parties unknown who are
or who were members of the
CENTRAL INTELLIGENCE AGENCY
in 1976; Party or parties
unknown who are or who were
members of the FEDERAL BUREAU
OF INVESTIGATION in 1976; and
Party or parties unknown who
are or who were members of the
UNITED STATES ARMY in 1976,

Defendants.

95
No. EP-77-CA-_____

C O M P L A I N T

TO THE HONORABLE WILLIAM R. SESSIONS, JUDGE;

Now come ILSE M. SIGLER and KARIN M. SIGLER, hereinafter
sometimes referred to as Plaintiffs, complaining of MAJOR GENERAL
C. J. LE VAN; LIEUTENANT COLONEL CAREY TOMLINSON; COLONEL
DONALD B. GRIMES; MAJOR GENERAL H. R. AARONS; MR. NOEL JONES;
CHIEF WARRANT OFFICER CARLOS ZAPATA; SPECIAL AGENT FRANCES (JOE)
PRASEK; MR. LEWIS MARTEL; MR. JOHN SCHAFFSTALL; Party or parties
unknown who are or who were members of the CENTRAL INTELLIGENCE
AGENCY in 1976; Party or parties unknown who are or who were
members of the FEDERAL BUREAU OF INVESTIGATION in 1976; and Party
or parties unknown who are or who were members of the UNITED STATES

ARMY in 1976, hereinafter sometimes referred to as Defendants, and for cause of action would respectfully show unto the Court the following:

I

PARTIES

A. Plaintiffs

1. ILSE M. SIGLER, widow of ~~ALFRED~~ ^(D) Ralph J. Sigler, is a resident of El Paso, El Paso County, Texas, which is located within the Western District of Texas, El Paso Division.
2. KARIN M. SIGLER, daughter of the deceased Ralph J. Sigler, is a resident of El Paso, El Paso County, Texas, which is located within the Western District of Texas, El Paso Division.

B. Plaintiffs

1. MAJOR GENERAL C. J. LE VAN, United States Army, who at the time of Ralph J. Sigler's death was the commanding officer at Fort Bliss, Texas, which is within the Western District of Texas, El Paso Division, to which post Ralph J. Sigler was assigned. Major General C. J. LeVan may be served with Summons and Complaint by delivering same to him at the Chief of Staff's office, Pentagon, Arlington, Virginia 20310, by certified mail, return receipt requested.
2. LIEUTENANT COLONEL CAREY TOMLINSON, United States Army Intelligence Agency. Lieutenant Colonel Carey Tomlinson may be served with Summons and Complaint by delivering same to him at Fort Meade, Maryland 20705, by certified mail, return receipt requested.
3. COLONEL DONALD B. GRIMES, Headquarters United States Army Intelligence Agency. Colonel Grimes may be served with Summons and Complaint by delivering same to him at Fort Meade, Maryland 20705, by certified mail, return receipt requested.

4. MAJOR GENERAL H. R. AARONS, Army Assistant Chief of Staff for Intelligence. Major General H. R. Aarons may be served with Summons and Complaint by delivering same to him at the Chief of Staff's office, Pentagon, Arlington, Virginia 20310, by certified mail, return receipt requested.
5. NOEL JONES, Fort Meade, Maryland. Mr. Jones may be served with Summons and Complaint by delivering same to him at Fort Meade, Maryland 20705, by certified mail, return receipt requested.
6. CHIEF WARRANT OFFICER CARLOS ZAPATA resides in El Paso, El Paso County, Texas, and may be served with Summons and Complaint at 5116 Mumm Lane, El Paso, Texas 79924.
7. SPECIAL AGENT FRANCES (JOE) PRASEK. Special Agent Prasek may be served with Summons and Complaint by delivering same to the Federal Bureau of Investigation, United States Federal Courthouse, Phoenix, Arizona, by certified mail, return receipt requested.
8. LEWIS MARTEL. Mr. Martel may be served with Summons and Complaint by delivering same to him at P. O. Box 164, Fort Meade, Maryland 20705, by certified mail, return receipt requested.
9. JOHN SCHAFFSTALL. Mr. Schaffstall may be served with Summons and Complaint by delivering same to him at 6825 Custis Parkway, Falls Church, Virginia 22042, by certified mail, return receipt requested.
10. Party or parties unknown who are or who were members of the CENTRAL INTELLIGENCE AGENCY in 1976. Service of Summons and Complaint may be had on such party or parties by delivering same to the Central Intelligence Agency, McLean, Virginia 22101, by certified mail, return receipt requested.

11. Party or parties unknown who are or who were members of the FEDERAL BUREAU OF INVESTIGATION in 1976. Service of Summons and Complaint may be had on such party or parties by delivering same to the Federal Bureau of Investigation, Pennsylvania Avenue between Ninth and Tenth Streets, N.W., Washington, D.C., by certified mail, return receipt requested.
12. Party or parties unknown who are or who were members of the UNITED STATES ARMY in 1976. Service of Summons and Complaint may be had on such party or parties by delivering same to the Department of the Army, Pentagon, Arlington, Virginia 20310, by certified mail, return receipt requested,

II

JURISDICTION

1. This Honorable Court has jurisdiction of this action under Title 28, U.S.C.A., Sec. 1331(a), inasmuch as the cause of action arises under the Constitution of the United States of America, as hereinafter alleged, and the amount in controversy exceeds the sum of \$10,000, as hereinafter alleged.

2. The Plaintiffs allege that the Defendants, individually and acting in combination, conspiracy, and concert of action, either murdered Ralph J. Sigler or placed him in a position of extreme danger and failed to protect him, and that such failure on the part of the Defendants resulted in the death of Ralph J. Sigler, in violation of the Fifth Amendment to the Constitution of the United States of America as set forth under "History of Controversy."

3. The Plaintiffs allege that the Defendants, individually and acting in combination, conspiracy, and concert of action, did, in violation of the Fourth Amendment to the Constitution of the United States of America, unlawfully seize the papers,

personal property, and memorabilia of Ralph J. Sigler, and are unlawfully holding the same, as hereinafter set forth under "History of Controversy."

4. In each case, the Defendants were acting in their official capacity or under color of legal authority.

III

VENUE

1. This Honorable Court has venue of this action under Title 28, U.S.C.A., Sec. 1391(b) and (e). The Plaintiffs allege that (1) the Defendants, individually and acting in combination, conspiracy, and concert of action, did unlawfully seize the papers, chattels, and other memorabilia of the decedent Ralph J. Sigler from his residence located in El Paso, El Paso County, Texas, which is located within the Western District of Texas, El Paso Division, and after demand failed to return the papers, chattels, and other memorabilia, all of which was in violation of the Fourth Amendment to the Constitution of the United States of America, and (2) that the Defendants, individually and acting in combination, conspiracy, and concert of action, did murder Ralph J. Sigler or, in the alternative, knowingly placed him in a position of extreme danger and, after doing so, failed to protect him, and that such failure to take such action resulted in the death of Ralph J. Sigler, either of which act(s) was in violation of the Fifth Amendment to the Constitution of the United States of America. That the initial acts leading to the death of Ralph J. Sigler began in El Paso, El Paso County, Texas, which is located within the Western District of Texas, El Paso Division.

2. That the Plaintiffs allege each of the above acts occurred while the Defendants were either acting in their official capacity or under color of legal authority.

*From report in exhibit that all
action by P relative to Ralph J. Sigler
was taken in SA Province official capacity as
a SA of the PPJ*

COMPLAINT - Page 5

IV

NATURE OF SUIT

1. This is a suit brought by ILSE M. SIGLER, widow of Ralph J. Sigler, and by KARIN M. SIGLER, daughter of the decedent, against the named Defendants and against the party or parties unknown who were either member(s) of the DEPARTMENT OF ARMY, CENTRAL INTELLIGENCE AGENCY, or the FEDERAL BUREAU OF INVESTIGATION, all of whom are alleged to have been acting, at all times pertinent hereto, either in their official capacity or under color of legal authority. The suit is brought for the purpose of obtaining monetary damages from the Defendants for the murder of Ralph J. Sigler or, in the alternative, for knowingly placing him in a position of extreme danger and, after having placed him therein, for having failed to protect him, which failure resulted in the death of Ralph J. Sigler. Such action on the part of the Defendants herein is alleged to be in violation of the Fifth Amendment to the Constitution of the United States of America.

2. The Plaintiffs seek the recovery from the Defendants, through mandatory injunction, of certain papers, chattels, and other memorabilia seized from the Plaintiffs' residence in El Paso, El Paso County, Texas, in violation of the Fourth Amendment to the Constitution of the United States of America.

V

HISTORY OF CONTROVERSY

1. Ralph J. Sigler was born in Hertnik, Czechoslovakia on May 24, 1928. He became a naturalized American citizen in 1955. Mr. Sigler joined the United States Army in 1947 at the age of 17. After serving in various posts in the United States and abroad, Mr. Sigler became a counter-intelligence agent for the United States for what is believed to be an intelligence unit of the United States Army in the late 1960's.

ELP.
Admitted
7/15

2. From the late 1960's through April 1976, Mr. Sigler's assigned duties from that intelligence unit included the selling of information to intelligence agents of various foreign powers regarding United States Army radar and missile systems. In return for this information Mr. Sigler received substantial sums of money from these foreign powers. Upon receipt of such sums of money, Mr. Sigler would arrange for such sums to be accounted for or turned over to his superiors in accordance with his orders.

3. Ralph J. Sigler's mission was two-fold in nature. First, a portion of the information sold to these foreign powers was designed to mislead them regarding United States Army radar and missile capability. Secondly, Sigler was to identify as many "foreign operatives" as possible.

4. On information and belief, your Plaintiffs would show the Court that all of Ralph J. Sigler's assigned duties were coordinated between the United States Army intelligence apparatus, the Central Intelligence Agency, and the Federal Bureau of Investigation. That Ralph J. Sigler maintained close contacts with all of the above entities through various of the Defendants herein. (Mr. Sigler's duties not only encompassed activities in the geographic boundaries of the United States, but also included Mexico and Europe.)

5. (Approximately in 1974, Mr. Sigler was approaching thirty (30) years of active duty with the United States Army, and thus retirement, and began assembling his memoirs with the apparent intention of writing a book after he retired.) (His intention to write a book led to his death in April 1976.)

6. In the early part of 1976, Mr. Sigler's intention of writing and publishing a book concerning his covert activities became known to various of the Defendants herein. As a result of such knowledge, Mr. Sigler was ordered by his superiors to report to Fort Meade, Maryland, the headquarters of Army intelligence.

admit (JP looking at him)

7. (On or about April 4, 1976, Mr. Sigler reported as ordered to Fort Meade, Maryland.) From that day until his death on April 13, 1976, Mr. Sigler was subjected to extensive questioning and to various types of threats and intimidations which subjected Mr. Sigler to an environment which was calculated by the Defendants to place him under the most severe type of emotional strain. That it was the Defendants' intention to subject Mr. Sigler to extreme emotional and psychological pressure so that he would reveal the contents of the papers and documents which he was compiling, and the whereabouts of such papers and documents.

deny

*4/7 Hg
USAMIT had he
told of notebook
& USAMIT with
get it from
wife per
author's*

8. Finally, on or about April 8, 1976, after being exposed to the most severe emotional strain possible, Mr. Sigler revealed to the Defendants the contents and location of his papers and documents. The result of which, he instructed his wife by telephone to deliver the papers and other documents to the Defendants herein. It cannot be said that Mr. Sigler delivered these papers and documents to the Defendants on his own free will, but on the contrary gave his authority to deliver the papers and documents to the Defendants while under extreme duress. Thereupon, one of the Defendants appeared at his residence in El Paso, Texas, entered Mr. Sigler's home, and seized the various papers and other documents which were the corporeal personal property of Ralph J. Sigler, such seizure being in violation of the Fourth Amendment's prohibition against unlawful searches and seizures.

deny — 9. The Defendants were not satisfied, however, that Sigler would not attempt to reconstruct his papers and documents from memory. As a result of an agreement between the Defendants, such agreement being entered into before Mr. Sigler was ordered to Fort Meade, Maryland, the Defendants continued to place Mr. Sigler under severe emotional stress. This was accomplished by the use of extensive questioning, threats, and intimidations.

The intent of which was to force Mr. Sigler to end his own life, and failing that, the Defendants would take Mr. Sigler's life, all of which was in violation of the Fifth Amendment to the Constitution of the United States of America, i.e., the prohibition against deprivation of life without due process of law. The Defendants, acting individually and in combination, conspiracy, and concert of action, and further acting in their official capacity or under color of legal authority, succeeded in their purpose of depriving Ralph J. Sigler of his life.

10. The Plaintiffs would show the Court that the Defendants, acting in their official capacity or under color of legal authority, individually and in combination, conspiracy, and concert of action, did on or about the 13th day of April 1976, either (a) murdered Ralph J. Sigler by causing a current of electricity to pass through his body, or (b) placed Ralph J. Sigler in an extreme position of danger because of the emotional strain that he had been subjected to by the Defendants, and that the Defendants knew or should have known, under the exercise of ordinary care, that Mr. Sigler was likely to take his own life, and then wholly failed to protect him, which failure resulted in the death of Ralph J. Sigler, all to the damage of the Plaintiffs herein. That either act was in violation of Ralph J. Sigler's rights as protected by the Constitution of the United States of America.

VI

VIOLATIONS

Count 1

That the Defendants, acting in their official capacity, individually and in combination, conspiracy, and concert of action, did murder Ralph J. Sigler in violation of the Fifth Amendment to the Constitution of the United States of America.

Count 2

In the alternative to Count 1, that the Defendants, acting in their official capacity, individually and in combination, conspiracy, and concert of action, did place Ralph J. Sigler in a position of extreme danger and after so placing him in such a position failed to protect him, which failure resulted in the death of Ralph J. Sigler and which failure was in violation of the Fifth Amendment to the Constitution of the United States of America.

Count 3

That the Defendants, acting in their official capacity, individually and in combination, conspiracy, and concert of action, did seize the papers, chattels, and other memorabilia of Ralph J. Sigler, and failed, after demand, to return the same in violation of the Fourth Amendment to the Constitution of the United States of America.

Count 4

In the alternative to Counts 1 and 2, that the Defendants, acting under color of legal authority, individually and in combination, conspiracy, and concert of action, did murder Ralph J. Sigler in violation of the Fifth Amendment to the Constitution of the United States of America.

Count 5

In the alternative to Counts 1, 2, and 4, that the Defendants, acting under color of legal authority, individually and in combination, conspiracy, and concert of action, did place Ralph J. Sigler in a position of extreme danger and, after so placing him in such a position, failed to protect him, which failure resulted in the death of Ralph J. Sigler in violation of the Fifth Amendment to the Constitution of the United States of America.

Count 6

In the alternative to Count 3, that the Defendants, acting under color of legal authority, individually and in combination, conspiracy, and concert of action, did seize the papers, chattels, and other memorabilia of Ralph J. Sigler, and failed, after demand, to return the same in violation of the Fourth Amendment to the Constitution of the United States of America.

VII

DAMAGE

1. That the Plaintiff ILSE M. SIGLER seeks damages for the death of her husband, Ralph J. Sigler, as above-enumerated, in the sum of FIVE MILLION DOLLARS (\$5,000,000) against the Defendants jointly and severally.

2. That the Plaintiff KARIN M. SIGLER seeks damages for the death of her father, Ralph J. Sigler, as hereinbefore alleged, in the sum of TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) against the Defendants jointly and severally.

3. That the Plaintiffs seek punitive damages for the death of Ralph J. Sigler, as hereinbefore alleged, in a sum of at least twice the amount of damages alleged in items 1 and 2 hereof against the Defendants jointly and severally.

WHEREFORE, Plaintiffs pray

1. That the Defendants be served with Summons and Complaint as required by law.

2. That Plaintiffs recover of and from the Defendants, jointly and severally, the damages, punitive damages, and costs above-enumerated.

3. That a mandatory injunction be issued requiring the return to the Plaintiffs of Ralph J. Sigler's papers, chattels, and memorabilia above-enumerated.

4. That the Plaintiffs have such other and further relief as they may show themselves to be justly entitled.

Respectfully submitted,

MICHAEL R. GIBSON
Attorney at Law
4100 Rio Bravo, Suite 211
El Paso, Texas 79902
(915) 544-5134

DIAMOND & RUBIN
Attorneys & Counselors at Law
4100 Rio Bravo, Suite 211
El Paso, Texas 79902
(915) 544-5134

By: _____
Sidney J. Diamond

JURY DEMAND

The Plaintiffs demand trial by jury.

Sidney J. Diamond

RRHQ

DE EP

R 08 2023 MAR 78

8 MAR 78 20 54z

RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

Assoc. Dir.	
Dep. AD Adm.	
Dep. AD Inv.	
Asst. Dir.:	
Adm. Serv.	
Crim. Inv.	
Ident.	
Intell.	
Laboratory	
Legal Coun.	
Plan. & Insp.	
Rec. Mgnt.	
Tech. Servs.	
Training	
Public Affs. Off.	
Telephone Rm.	
Director's Sec'y	

FM EL PASO) (62-2223) (P)

TO DIRECTOR (62-117536) (ROUTINE)

PHOENIX (62-2146) (ROUTINE)

BT

E F T O

ATTENTION LEGAL COUNSEL DIVISION

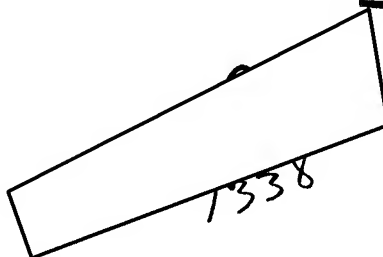
ILSE M. SIGLER, ET AL, VS. MAJOR GENERAL C. J. LEVAN,ET AL. (U.S.D.C., W.D. TEXAS, EL PASO DIVISION). CIVILACTION NO. EP 77 CA 0035. MISCELLANEOUS-CIVIL SUIT.

OO: EL PASO.

RE EL PASO TELETYPE TO BUREAU, MARCH 3, 1978.

ON MARCH 7, 1978, USDJ WILLIAM S. SESSIONS ENTERED AN
ORDER IN THE ABOVE ENTITLED CASE, WHICH CARRIES CAUSE #
77-CA-35. PERTINENT PARTS OF THE ORDER ARE AS FOLLOWS:

"...IT IS BY THE COURT THIS SEVENTH DAY OF MARCH, 1978
ORDERED THAT THE MOTION OF THE UNITED STATES FOR PROTECTIVE
ORDER BE, AND THE SAME HEREBY IS, GRANTED; AND IS FURTHER

REC-65 62-117536-22
24 MAR 13 197870 MAR 28 1978
1338b7C
b6

PAGE TWO EP 62-2223 E F T O

ORDERED THAT THE DEPOSITIONS OF ALL DEFENDANTS PREVIOUSLY NOTICED BY PLAINTIFFS HEREIN BE, AND THE SAME HEREBY ARE, STAYED PENDING DISPOSITION BY THE COURT OF THE MOTION OF THE UNITED STATES TO PARTICIPATE AT DEPOSITIONS."

THE UNITED STATES, THROUGH THE U. S. DEPARTMENT OF JUSTICE ATTORNEY JOHN SEIBERT, HAD FILED A MOTION TO PARTICIPATE AT DEPOSITIONS. DUE TO THIS MOTION FILED BY SEIBERT, ALL PENDING DEPOSITIONS HAVE BEEN STAYED.

BT

4
Assistant Attorney General
Civil Division
Attention: John Seibert

March 9, 1978

Assistant Director - Legal Counsel
Federal Bureau of Investigation

1 - Mr. Leavitt
Attn: Mr. Peterson
1 - Mr. Mintz
1 - Civil Litigation Unit 6-1

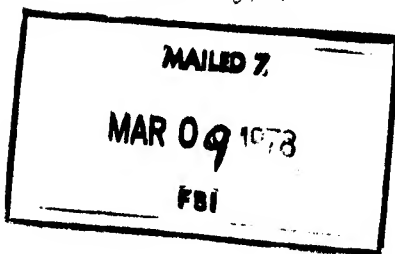
ILSE M. SIGLER, et al., v.
MAJOR GENERAL C.J. LE VAN
(U.S.D.C., W.D. TEXAS)
CIVIL ACTION NO. EP-77-CA-0035

FEDERAL GOVERNMENT 10 1

This will confirm hand delivery of the original and five copies of the affidavit of Special Agent Eugene C. Peterson, Section Chief, Intelligence Division, on March 6, 1978, pursuant to request of Department Attorney John Seibert. This affidavit will be filed in support of the Government's motion for a protective order and leave to participate in depositions. (P)

NOTE: On 3/6/78, DOJ Attorney John Seibert advised that negotiations between plaintiff and Army had fallen through and deposition of SA Joseph Prasek will take place 3/9/78 and 3/10/78 at El Paso and Army personnel the week of 3/13/78 at Washington. He requested enclosed affidavit to be filed in support of a motion for the Government to participate in deposition of SA Prasek.

EPM:tml
(6) tml



APPROVED:

Director _____
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. WJ/CR
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

EPm
JFV

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Adm. Servs. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____
Telephone Rm. _____
Director's Sec'y _____

ENCLOSURE
RECEIVED

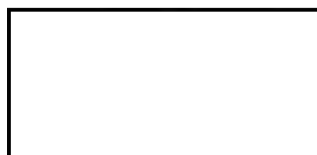
REC-33

EX-111

62-117536-23

MAR 14 1978

7 MAR 27 1978



7338

b7C
b6

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

ILSE M. SIGLER, et al.,

Plaintiffs,

v.

MAJOR GENERAL C.J. LEVAN,
et al.,

Defendants.

CIVIL ACTION NO.

EP 77 CA 0035

AFFIDAVIT OF EUGENE C. PETERSON

Eugene C. Peterson deposes and states as follows:

1. I am a Section Chief in the Intelligence Division of the Federal Bureau of Investigation (FBI) and this affidavit is submitted in support of motions of the United States to participate at depositions and for protective order.

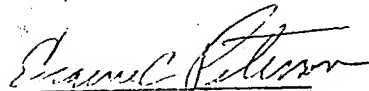
2. By virtue of my position, I am familiar with the allegations contained in the Complaint filed in the above captioned action, [REDACTED]

b7D

3. Based on the knowledge of information contained in the pertinent files and my conversations with representatives of the Department of Justice, I am of the opinion that certain

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of March, 1978.


EUGENE C. PETERSON
March 6, 1978
(date)
at Washington, D.C.,
District of Columbia

EP0602 062 1025

RR HQ

DE EP

R03 1025 MAR 78

3 MAR 78 22 34z

RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

Assoc. Dir.	
Dep. AD Adm.	
Dep. AD Inv.	
Asst. Dir.:	
Adm. Serv.	
Crim. Inv.	
Ident.	
Intell.	
Lab.	
Legal Coun.	<i>efm</i>
Plan. & Insp.	
Rec. Mgmt.	
Tech. Serv.	
Training	
Public Affs. Off.	
Telephone Rm.	
Director's Sec'y	

FM EL PASO (62-2223) (P)

TO DIRECTOR (62-117536) (ROUTINE)

PHOENIX (62-2146) (ROUTINE)

BT

E F T O

ATTENTION LEGAL COUNSEL DIVISION

ILSE M. SIGLER, ET AL, VS. MAJOR GENERAL C. J. LEVAN,
ET AL. (U.S.D.C., W.D. TEXAS, EL PASO DIVISION). CIVIL
ACTION NO. EP 77 CA 0035. MISCELLANEOUS-CIVIL SUIT.

OO: EL PASO.

RE EL PASO TELETYPE TO BUREAU, FEBRUARY 1, 1978.

JOSEPH CALAMIA, ATTORNEY FOR FBI AGENT FRANCIS JOSEPH
PRASEK, ADVISED MARCH 2, 1978, THAT PROBLEMS AND OBSTACLES HAVE
DEVELOPED IN SETTLEMENT OF CAPTIONED SUIT. IT APPEARS
DEPOSITIONS OF CARLOS ZAPATA AND SA PRASEK WILL TAKE PLACE AS
SCHEDULED ON MARCH 9 AND 10 IN EL PASO, TEXAS. ALSO,

DEPOSITIONS WILL PROBABLY HAVE TO TAKE PLACE IN WASHINGTON, D.C.

9 MAR 15 1978

*In view of 22 Pm
to Dir. tel 3/8/78
No ACK NEC. Efm 3/11/78*

efm-9

F/R

b7C
b6

WEEK OF MARCH 13, 1978 FROM U. S. ARMY PERSONNEL STATIONED
IN WASHINGTON, D. C. ATTORNEY CALAMIA AND SA PRASEK
REQUESTED THAT EITHER SA [REDACTED] LEGAL INSTRUCTOR,
EL PASO DIVISION, OR FBI AGENT FROM LEGAL COUNSEL DIVISION,
FBIHQ, BE PRESENT AT DEPOSITIONS IN EL PASO AND WASHINGTON, D.C.
SA PRASEK WILL BE PRESENT IN EL PASO AND SA [REDACTED] IS
AVAILABLE TO ATTEND DEPOSITIONS IN WASHINGTON, D.C., WEEK OF
MARCH 13.

b7C
b6

FOR INFORMATION OF LEGAL COUNSEL DIVISION, FBIHQ SUPERVISOR
JIM JOHNSON TRAVELED TO EL PASO IN FEBRUARY TO ATTEND DEPOSITIONS
AS A TECHNICAL ADVISOR FOR USDJ ATTORNEY JOHN SEIBERT.

LEGAL COUNSEL DIVISION IS REQUESTED TO NOTIFY JIM JOHNSON
CONCERNING DEPOSITIONS AND ADVISE EL PASO WHETHER A REPRESENTA-
TIVE OF THAT OFFICE OR SA [REDACTED] SHOULD ATTEND DEPOSITIONS IN
WASHINGTON, D. C.

BUREAU WILL BE PROMPTLY NOTIFIED OF ANY CHANGES IN ABOVE.

BT

cc. Rec Mgt Div

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED - 22-78
150 A

ILSE M. SIGLER, et al,

Plaintiffs,

v.

MAJOR GENERAL C.J. LEVAN,
et al,

Defendants.

NO. EP-77-CA-35

MEMORANDUM OPINION AND ORDER

Plaintiffs have filed the instant Complaint alleging that the Defendants, individually and acting in combination, conspiracy and concert of action, either murdered Ralph J. Sigler or placed him in a position of extreme danger and failed to protect him, in violation of the Fifth Amendment to the Constitution of the United States of America, and that the Defendants, individually and acting in combination, conspiracy and concert of action, did, in violation of the Fourth Amendment to the Constitution of the United States of America, unlawfully seize the papers, personal property, and memorabilia of Ralph J. Sigler. Plaintiffs allege that the Defendants, in committing such actions, were acting in their official capacity or under the color of legal authority.

I.

Plaintiffs' Complaint asserts that this Court has venue of this action under 28 U.S.C. S 1391(b) and (e).

Those provisions are:

"(b) A civil action wherein jurisdiction is not founded solely on diversity of citizenship may be brought only in the judicial district where all defendants reside, or in which the claim arose, except as otherwise provided by law.

...

(e) A civil action in which each defendant is an officer or employee of the United States or

62-117536-25

ENCLOSURE

any agency thereof acting in his official capacity or under color of legal authority, or an agency of the United States, may, except as otherwise provided by law, be brought in any judicial district in which: (1) a defendant in the action resides, or (2) the cause of action arose, or (3) any real property involved in the action is situated, or (4) the plaintiff resides if no real property is involved in the action.

"The summons and complaint in such an action shall be served as provided by the Federal Rules of Civil Procedure except that the delivery of the summons and complaint to the officer or agency as required by the Rules may be made by certified mail beyond the territorial limits of the district in which the action is brought." 28 U.S.C. S 1391.

Defendant, MAJOR GENERAL C.J. LEVAN, has moved the Court to dismiss Plaintiffs' claim against LEVAN asserting, among other things, that Section 1391 does not authorize maintenance of this suit in the Western District of Texas. LEVAN contends specifically that Plaintiffs' asserted basis for venue, Section 1391(4) does not apply to a suit against an individual officer of the United States when that suit requests relief in the form of money damages for defendant's individual action.

II.

Plaintiffs' claim can be summarized as a claim for relief based on two separate theories. First, Plaintiffs claim monetary damages resulting from the death of Ralph J. Sigler because of Defendants' alleged violation of Ralph J. Sigler's rights under the Fifth Amendment to the Constitution of the United States of America. Second, Plaintiffs seek to recover Ralph J. Sigler's papers, chattels, and memorabilia allegedly wrongfully taken from Ralph J. Sigler in violation of his rights under the Fourth Amendment to the Constitution of the United States of America. Plaintiffs' first claim is for monetary relief and their second claim is in the form of a request for a mandatory injunction.

III.

Defendant LEVAN contends that 28 U.S.C. S 1391(e) is inapplicable to an action against a Government official

for monetary damages. Defendant argues that, although the literal reading of the statute provides venue in a district where the plaintiffs reside, that provision cannot be read literally, but must be read in conjunction with 28 U.S.C. S 1361, providing the District Court of the United States with jurisdiction over mandamus proceedings against a Government official.

Plaintiffs respond with the contention that Section 1391(e)(4) provides a basis for venue as it makes no distinction between actions in the nature of injunction and mandamus on one hand and actions for monetary damages on the other hand.

IV.

In support of his argument that Section 1391(e) is inapplicable to Plaintiffs' cause of action seeking monetary relief, Defendant relies most heavily on the case of Natural Resources Defense Counsel, Inc. v. Tennessee Valley Authority, 459 F.2d 255 (2nd Cir. 1972). In Natural Resources, plaintiff, a New York resident, sued a defendant whose residence was established by federal statute in Alabama. Plaintiff sought to maintain venue in New York, (plaintiff's residence), under 28 U.S.C. S 1391(3)(4). Defendant moved to dismiss the claim for lack of proper venue, contending that Section 1391(e) was not intended to apply to an action against a locally based federal business corporation such as the TVA, but only to actions against federal officers or agencies which, prior to enactment of Section 1391(e) could have been brought only at the seat of federal government, in the district court for the District of Columbia.

In ruling that Section 1391(e) did not provide a basis for venue of plaintiff's claim, Chief Judge Friendly made a searching analysis of the history and purpose behind that section. Section 1391(b) was only a part of the Congressional enactment of Public Law No. 87-748, 87th Congress

(1961). The companion statute is codified as 28 U.S.C. S 1361, which gives the United States District Court original jurisdiction of actions in the nature of mandamus to compel an officer or employee of the United States or any agency of the United States to perform a duty owed to the plaintiff. The Judicial Subcommittee to which the original bill was referred reported as follows:

"The purpose of this bill is to make it possible to bring actions against Government officials and agencies in the United States District Courts outside the District of Columbia, which, because of certain existing limitations on jurisdiction and venue, may now be brought only in the U.S. District Court of the District of Columbia." H.R. Rep. No. 536, 87th Congress, First Session, page 1.

The need for such legislation arose from the decision in McIntire v. Wood, 11 U.S. (7 Cranch) 504, 3 L.Ed. 420 (1813), denying to the lower federal courts mandamus jurisdiction over federal officers, with the exception of mandamus actions maintained in the District of Columbia. Kendall v. United States ex. rel. Stokes, 37 U.S. (12 TET.) 524, 9 L.Ed. 1181 (1838). In addition to the unavailability of the federal district court for mandamus actions, injunctions were permissible only when the superior officer in Washington was not an indispensable party, as he was the individual who would be required to take the action requested by the injunction. Williams v. Fannings, 332 U.S. 490, 493, 68 S.Ct. 188, 189, 92 L.Ed. 95 (1947).

The decision in Natural Resources was based on the opinion of the United States Court of Appeals for the Second Circuit that the specific purpose of Section 1391(e) was to broaden the venue of civil actions which should have previously been brought only in the District of Columbia. Id. at 259. The Court concluded that, since the TVA could, prior to the enactment of Section 1391(e), be sued outside the District of Columbia, Section 1391(e) was inapplicable to an action against the TVA. The TVA had always been subject to suit, with the same venue limitations as other

corporations in any district in which it did business. . Id.
at 259.

Defendant LEVAN concludes, therefore, that an action against a federal employee in his individual capacity, seeking the remedy of monetary damages, is not governed by Section 1391(e), as it is not the type of action which could previously have been brought only in the District of Columbia.

V.

Plaintiffs contend that the law in Fifth Circuit, as evidenced by Ellinburg v. Connet, 457 F.2d 240 (5th Cir. 1972), dictates that Section 1391(e)(4) provides venue in the district of plaintiff's residence for a cause of action against a federal employee in his individual capacity, seeking monetary relief.

In Ellinburg, petitioner was a prisoner at Texarkana, Texas, within the Eastern District of Texas. Petitioner filed a petition for mandamus against several prison officials residing in Texarkana, requesting that the Court order the defendant (1) to remove detainers against the petitioner, (2) to drop the practice of opening Petitioner's mail, (3) to grant petitioner the "minimum custody" status, (4) to stop spying on the prisoners, and (5) to refrain from serving unequal portions of food to different prisoners. The trial court dismissed the petition, saying that it was a habeas corpus petition which must be brought in the district where the prison was located.

The United States Court of Appeals for the Fifth Circuit concluded that the district court was erroneous in characterizing the petition as a habeas corpus petition, holding that it was a petition in the nature of mandamus. The Court then looked to each of the specific venue alternatives under Section 1391(e). Subsection 1 thereof provides that the action may be brought in a district where a defendant resides. None of the defendants resided within the Northern

District; therefore, venue was not proper under Subsection 1.

Subsection 2 provides that venue is properly laid where a cause of action arises. Plaintiff's complaint did not state that any cause of action arose within the Eastern District of Texas; therefore, venue under Subsection 2 was not proper.

Subsection 3 provides venue only in a case where real property is involved. The Court concluded that Subsection 3 was inapplicable.

Subsection 4, providing venue in the place of plaintiff's residence, gave rise to the Fifth Circuit's surmise that venue may properly have been laid in the Northern District of Texas. The Court noted that, although petitioner was incarcerated in Texarkana, within the Eastern District of Texas, the record did not adequately show whether petitioner may actually have been a resident of the Northern District of Texas. The Court remanded the case to the trial court for a determination of whether plaintiff was a resident of the Northern District.

The opinion in Ellinburg is lacking in analysis of the purposes and history of Section 1391(e). The Court did not differentiate between a claim for monetary damages and a request for mandamus. It is clear from a reading of the Ellinburg opinion that plaintiff's original petition contained requests for mandamus and injunctive relief. If monetary damages were requested, that request was clearly incidental to plaintiff's primary remedial request.

The main thrust of the Ellinburg opinion was that the trial court failed to consider all possibilities for appropriate venue, and should have been more deliberate in broadly construing the pro se complaint of the petitioner.

Plaintiffs cite several district court cases in support of the proposition that Section 1391(e)(4) provides venue in the district of plaintiff's residence in a suit

requesting monetary relief.

Lowenstein v. Rooney, 401 F.Supp. 952 (E.D.N.Y. 1975) was an action against government officials in Washington, alleging that those officials took action in Washington, D.C., to conspire against the plaintiff and cause him to lose a Congressional election. Plaintiff's complaint sought declaratory and injunctive relief as well as damages.

In determining that venue was properly laid in New York, the district of plaintiff's residence, the Court cited legislative history to the effect that Section 1391(e)(4) applied to an action where the defendant was allegedly "acting within the apparent scope of his authority and not as a private citizen." H.R. 1960, 87th Congress, First Session (1961); Id. at 962. The Court, however, undertook no analysis of the history or purpose of Section 1391(e), nor did it address the legislative history providing that the purpose of that section was to broaden the venue provision of those actions which previously could have been brought only in the District of Columbia.

The Lowenstein opinion is directly at odds with the opinion in Natural Resources, and does not attempt to distinguish Natural Resources or to be compatible with Natural Resources, although the Court rendering the Lowenstein decision is within the Second Judicial Circuit, the Circuit which rendered the Natural Resources opinion.

Plaintiffs also rely on Briggs v. Goodwin, 384 F.Supp. 1228 (E.D.C. 1974) and Wu v. Keeny, 384 F.Supp. 1161 (E.D.C. 1974). In Briggs plaintiff brought a suit against four government attorneys who had been in charge of a former criminal prosecution against the plaintiffs where plaintiffs had been acquitted. On a motion by the defendants to transfer the case from Washington, D.C. to North Carolina, the Court ruled that Section 1391(e) provided venue, as it was the place of residence of one of the defendants. There was no discussion of the legislative history of Section 1391(e).

Additionally, the Court was not concerned, as is the Court in the instant case, with the subsection of Section 1391(e) dealing with venue in the place of Plaintiffs' residence. There was no discussion of the relief requested, and whether that relief was monetary or in the form of injunctive or mandatory relief. The Court merely concluded that the burden rested upon the Defendants to show reason why there should be a transfer, and that Defendants had failed to meet that burden. Id. at 1230.

In Wu the plaintiff sued the defendants for statements allegedly made by defendants, which statements lead to the denial of plaintiff's application for a grant from the National Endowment for Humanities. The summons and complaint were served upon the defendants in the manner provided in Section 1391(e), that is, by certified mail beyond the territorial limits of the district in which the action was brought. The Court rejected the defendants' contention that Section 1391(e) was inapplicable in a tort action for damages, and concluded that Section 1391(e) was applicable, since such actions were "probably not specifically contemplated by Congress," but appeared to fall within the literal bounds of Section 1391(e). Id. at 1168.

The continuing authority of Briggs and Wu is questionable in light of dicta from the United States Court of Appeals for the District of Columbia in Relf v. Gasch, 511 F.2d 804 (D.C. Cir. 1975), stating that Section 1391(e) applies only if a claim is stated against a federal officer in his official capacity; in actions involving a federal officer individually, the rule is not available. Id. at 808, n. 18.

VI.

The Court finds the decisions in cases limiting the applicability of Section 1391(e) to be the better-reasoned

authority. These decisions thoroughly consider the legislative history of the statutes, analyze the historical inability to proceed against government officials acting in their official capacity, and analyze the distinctions between the nature of the relief requested by Plaintiffs attempting to lay venue under Section 1391(e). See Quinata v. Kelly, 430 F.Supp. 1328 (E.D.Pa. 1977); Rimar v. McCowan, 374 F.Supp. 1179 (E.D.Mich. 1974); Davis v. Federal Deposit Insurance Corp., 369 F.Supp. 277 (D.C.Colo. 1974); and Holicky v. Selective Service Local Board No. 3, 328 F.Supp. 1373 (D.C.Colo. 1971).

VII.

In Plaintiffs' claim for deprivation of Fifth Amendment rights, seeking monetary relief from the Defendants, all acts alleged to have been committed by the Defendants occurred outside the Western District of Texas. Plaintiffs do not claim that a cause of action arose, with respect to that cause of action, within the Western District of Texas. The allegations of Plaintiffs' Complaint are that Mr. Sigler reported, as ordered by the Defendants, to Ft. Meade, Maryland, where he was subjected by the Defendants to extensive questioning and various types of threats and intimidations, the intent and effect of which was to force Mr. Sigler to end his own life.

Plaintiffs' asserted basis for jurisdiction is 28 U.S.C. S 1331(a), giving this Court jurisdiction over a cause of action arising under the Constitution of the United States of America. In such an action, when jurisdiction is not founded solely on diversity of citizenship, the appropriate venue is where all defendants reside, or where the claim arose, except as otherwise provided by law. Were Court to construe Section 1391(e), applying to actions against an officer of the United States, as allowing an action for monetary damages to be brought in the district

of Plaintiffs' residence, the Court would be allowing Section 1391(e) to expand the venue provision stated in Section 1391(b). In view of the legislative history of Section 1391(e), the Court concludes that it was not the intent of Congress to broaden venue in actions which could previously have been brought in any district wherein the claim arose.

Prior to the enactment of Section 1391(e), the Plaintiffs in this type of cause would not have been deprived of a forum at the place where the claim arose, as they would have been if the actions were one in the nature of mandamus or injunction. The Court concludes that it was not the intent of Congress to broaden venue provisions for an action requesting monetary damages, as such actions were not the evils at which Section 1391(e) was aimed.

An additional policy reason for refusing to allow a forum in the district of Plaintiffs' residence is the necessity of having government officials present in the places where they conduct their day-to-day activities. It is entirely proper to require a government official to be present at Court sessions and appear for Court proceedings in a district in which that official may have conducted illegal activity. However, to require a government official to be subject to suit at any point where a plaintiff may happen to reside, merely because that official may have conducted some activity in the Government's Capital, would be an undue burden on those persons who are responsible for Government operations.

The Court concludes, therefore, that the Western District of Texas is an improper place for the hearing of Plaintiffs' claim against the Defendants for violation of Plaintiffs' Fifth Amendment rights claiming monetary damages from the Defendants.

VIII. .

Defendant LEVAN does not contest the venue of Plaintiffs' claim for alleged deprivation of Fourth Amend-

ment rights, which claim seeks relief in the nature of an injunction against the Defendants. That action is properly maintainable in the Western District of Texas, as it is the type of action at which Section 1391(e) was aimed.

IX.

The Western District of Texas is an appropriate venue for the maintenance of Plaintiffs' claim for violation of Ralph J. Sigler's Fourth Amendment rights, but is an 'improper venue for Plaintiffs' claim of Fifth Amendment violations.

Under the provisions of 28 U.S.C. S 1406(a), the Court, if it be in the interest of justice, may transfer a case to any district or division in which it could have been brought. The allegations of Plaintiffs' Complaint are to the effect that the wrongful death of Ralph J. Sigler occurred at Ft. Meade, Maryland, and that the Defendants' actions leading to Sigler's death were committed at Ft. Meade, Maryland. The Court will, therefore, transfer Plaintiffs' cause of action for violations of Fifth Amendment rights to the district court of Maryland.

Defendant LEVAN is the only one of the Defendants who has moved for dismissal for inappropriate venue. The parties have not briefed the question of transfer of the case against all Defendants.

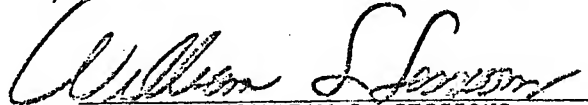
The parties have not addressed the question of whether the Court should transfer the entire case, including the Fourth Amendment claim, in the interest of justice and for the convenience of parties and witnesses, pursuant to 28 U.S.C. S 1404(a). Under that section, the case may be transferred to any other district or division where it might have been brought. The parties have not briefed the question of whether Plaintiffs' claim of seeking the return of allegedly illegally seized documents might also have been brought in the district court in Maryland.

The Court, therefore, will withhold the transfer of the Fifth Amendment claim against Defendant LEVAN to the district court of Maryland, will withhold a determination of whether to transfer the Fifth Amendment claim against the other Defendants and will withhold a determination of whether to transfer the Fourth Amendment claim, pending receipt, from all parties in this cause, of briefs pertaining to whether the entire action pending in the Western District of Texas should be transferred to the district court in Maryland.

X.

IT IS THEREFORE ORDERED that all parties in this cause file with the Court, within twenty (20) days of this date, briefs addressing the issue of whether the Court should, in addition to transferring Plaintiffs' Fifth Amendment claim against Defendant LEVAN to the district court of Maryland, also transfer Plaintiffs' Fourth Amendment claim and Fifth Amendment claim against the other Defendants to the district court of Maryland, pursuant to 28 U.S.C. S 1404(a).

March 22, 1978



WILLIAM S. SESSIONS
United States District Judge

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ E F T O
☐ CLEAR

Date 3/24/78

TO: DIRECTOR, FBI (62-117536)
 ATTN: LEGAL COUNSEL DIVISION

FROM: SAC, EL PASO (62-2223) (P)

SUBJECT: ILSE M. SIGLER, ET AL.,
 V. MAJOR LEVAN, ET AL.
 (U.S.D.C., W.D. TEXAS,
 EL PASO DIVISION)
 CIVIL ACTION EP-77-CA0035

Enclosed for the Bureau is one copy of Memorandum Opinion And Order.

On 3/22/78, USDJ WILLIAM S. SESSIONS filed the enclosed Memorandum Opinion And Order. It was ordered that all parties in this cause file with the Court, within 20 days of 3/22/78, briefs addressing the issue of whether the Court should, in addition to transferring Plaintiff's Fifth Amendment claim against Defendant LEVAN, to the District Court of Maryland, also transfer Plaintiff's Fourth Amendment claim and Fifth Amendment Claim against the other defendants, to the District Court of Maryland, pursuant to 28 USC S 1404(a).

LEADEL PASO DIVISIONAT EL PASO, TEXAS

Will follow and report proceedings.

2 - Bureau (Encs. 1) **ENCLOSURE**
 1 - El Paso
 DRP:pmg
 (3)

1 - CC + copy of
 enc. memo - R00-1338

REC-45 62-117536-25

6 MAR 28 1978

LEGAL COUNSEL
 [Signature]

Approved: 58 APR 13 1978

Transmitted _____

(Number)

(Time)

Per _____

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ E F T O
☐ CLEAR

Date 7/5/78

TO: DIRECTOR, FBI (62-117536)
 ATTN: LEGAL COUNSEL DIVISION

FROM: SAC, EL PASO (62-2223) (RUC)

SUBJECT: ILSE M. SIGLER, ET AL,
 V. MAJOR LEVAN, ET AL
 (U.S.D.C., W.D. TEXAS,
 EL PASO DIVISION)
 CIVIL ACTION EP-77-CA0035)

Re EP airtel to Bureau, 6/6/78.

Enclosed for Baltimore is one xeroxed copy of the following described communications:

1. El Paso memo of SA [redacted] 6/29/77.
2. Newspaper clipping from "The El Paso Times" dated 5/2/77.
3. Newspaper clipping from "El Paso Herald-Post", dated 6/30/77.
4. Newspaper clipping from "The El Paso Times" dated 7/1/77.
5. Bureau letter to the Attorney General, 7/6/77.
6. Memo to the file dated 7/18/77.
7. Bureau teletype to Phoenix and El Paso, 7/25/77.
8. Motion to Dismiss, No. EP 77-CA-35.
9. Brief In Support of the Motion, No. EP-77-CA-35.
10. Answer of Defendant, No. EP-77-CA-35
11. El Paso teletype to Bureau, 7/26/77.
12. Answer, No. EP-77-CA-35.
13. El Paso letter to Bureau, 8/30/77.
14. El Paso letter to Bureau, 9/21/77.
15. Memo of SA FRANCIS J. PRASEK, 11/17/77.

b7C
 b6

Baltimore
 Bureau designates Baltimore as office of origin. Copies transmitted to offices indicated. Former office of origin furnish all pertinent serials to new office of origin.

8/3/78-JHW/pmk

- 5-Bureau (Enc. 1)
 (1-Baltimore info.)
 (1-Phoenix info.)
 (1-El Paso info.)

- 2 - Baltimore (Encs. 11)
 2 - Phoenix (62-2146) (Enc. 1)
 1 - El Paso

DRP:pmg
 (10)

Approved: [Signature]

Transmitted

(Number)

(Time)

Per

57 OCT 8 1978

EP 62-2223

16. Phoenix teletype to Director, El Paso, 12/23/77.
17. El Paso teletype to Bureau, 2/1/78.
18. El Paso teletype to Bureau, Phoenix, 3/3/78.
19. Memorandum Opinion and Order, NO EP-77-CA-35.
20. El Paso airtel to Bureau, 3/24/78.

Enclosed for all receiving offices is one xeroxed copy of Order issued by USDJ WILLIAM S. SESSIONS on 6/29/78.

On 6/29/78, USDJ WILLIAM S. SESSIONS issued an Order transferring said captioned case from the WDT, El Paso, Texas, to the District of Maryland, and appropriate papers in this case have been transferred from the USDC Clerk's Office, El Paso, Texas, to the USDC Clerk's Office, District of Maryland, 101 W. Lombard Street, U. S. Courthouse, Baltimore, Maryland, 21202. All appropriate papers were transferred on 6/30/78.

For info of Baltimore, SA FRANCIS J. PRASEK, one of the defendants in this civil action, was formerly assigned to the El Paso Division, but is presently assigned to the Phoenix Division.

For info of Baltimore, El Paso carried this civil case under a 62 classification. The 197 classification was created after this case had been in existence several months.

REQUEST OF THE BUREAU

Due to the fact USDJ SESSIONS has transferred this civil action to the DC in Baltimore, Maryland, El Paso requests that the Bureau designate Baltimore as the office of origin.

LEADS

BALTIMORE DIVISION

AT BALTIMORE, MARYLAND

Will follow developments in civil case and report same to Legal Counsel Division.

1 enclosure transmitted with El Paso
airtel letter, report, FD-196, dated 7-5-78
from EP # 62-2223 to Bureau # 62-117536



62-117536-26

ENCLOSURE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

ISLE M. SIGLER and
KARIN M. SIGLER,

Plaintiffs,

v.

MAJOR GENERAL C. J. LE VAN,
et al,

Defendants.

NO. EP-77-CA-35

FILED 6-29-78
BY [Signature] Clerk
[Signature] Deputy

MEMORANDUM OPINION AND ORDER

Plaintiffs have filed the instant Complaint alleging that the Defendants, individually and acting in combination, conspiracy and concert of action, either murdered Ralph J. Sigler or placed him in a position of extreme danger and failed to protect him, in violation of the Fifth Amendment to the Constitution of the United States of America, and that the Defendants, individually and acting in combination, conspiracy and concert of action, did, in violation of the Fourth Amendment to the Constitution of the United States of America, unlawfully seize the papers, personal property, and memorabilia of Ralph J. Sigler. Plaintiffs allege that the Defendants, in committing such actions, were acting in their official capacity or under the color of legal authority.

Two of the Defendants, LE VAN and PRASEK, originally moved the Court to dismiss this cause for improper venue. On March 22, 1978, the Court issued its Memorandum Opinion and Order holding that the Western District of Texas is an improper forum for the hearing of Plaintiffs' claims against the Defendants for violation of Plaintiffs' Fifth Amendment right claiming monetary damages against the Defendants. The Court held further that the Western District of Texas is an appropriate venue for the maintenance of Plaintiffs' claim for violation of Ralph J. Sigler's Fourth Amendment right. The Court, therefore, ordered that all parties submit briefs

112

addressing the issue of whether the Court should, in addition to transferring Plaintiffs' Fifth Amendment claim against Defendants LE VAN and PRASEK to the District Court of Maryland, also transfer Plaintiffs' Fourth Amendment claim and Fifth Amendment claim against the other Defendants to the District Court in Maryland, pursuant to 28 U.S.C. S 1404(a). The Court has now received briefs on those issues.

I.

The Brief of Defendant, PRASEK, submitted to the Court on April 6, 1978, requests that the Court transfer the entire matter to a district court in Maryland, as the Plaintiffs' Fifth Amendment claim as to all Defendants could have been brought in that Court, and that Court would have pendant venue over the Fourth Amendment claim.

Defendant LE VAN, in response to the Court's Order of March 22, 1978, moved the Court to transfer the Fourth Amendment claim along with the Fifth Amendment claim to the District Court of Maryland. Defendant ZAPATA, in his Brief in Response to the Court's Order of March 22, argues that since the Plaintiffs have chosen to bring the suit in this district, and since the Defendant ZAPATA has raised no venue questions, the Court should allow the entire case to remain within the Western District of Texas, El Paso Division.

Defendants ARRON, GRIMES, JONES, SCHAFFSTALL and MARTEL, in response to the Order of March 22, argue that the entire cause can and should be litigated as to all of the Defendants in one forum, whether that forum be in the District of Maryland or in the Western District of Texas. These Defendants go on to argue that both Plaintiffs' Fourth and Fifth Amendment claims arose in the District of Maryland and that venue properly could be placed in that district.

Plaintiffs argued that the case, with the exception of the Fifth Amendment claim against Defendants LE VAN and

PRASEK, should remain within the Western District of Texas, as that was Plaintiffs' chosen forum.

II.

Subsequent to the receipt of briefs from all parties on the venue question, the United States Court of Appeals for the Fifth Circuit issued its opinion, on April 18, 1978, in the case of Davis v. Passman, 571 F.2d 793 (5th Cir. 1978), holding that "not every right that conceivably could be wedged within the literal breadth of due process demands the federal protection of a cause of action for monetary damages." Id. at 800. The ruling in Davis v. Passman was made upon rehearing en banc and, in this Court's view, seriously erodes the viability of Plaintiffs' Fifth Amendment cause of action for monetary damages.

Interestingly, subsequent to the April 18 decision in Davis v. Passman, the posture of all parties has changed with respect to the question of transfer of this cause. All Defendants have now requested that the Court dismiss Plaintiffs' Fifth Amendment claim prior to making a determination on the Motion to Transfer. Additionally, Plaintiffs have now "acquiesced" to the transfer of all proceedings to Maryland.

Although the Davis v. Passman case may have a profound effect upon the ultimate outcome on the merits of this cause, the Court will not consider that opinion in determining whether a transfer of this cause is proper.

It appears to the Court that the position of all parties with respect to the question of transfer has had a strong dependence upon the substantive law which would be applied in the forum where this case proceeds. The Court concludes, however, that a decision upon the appropriate forum for this cause should precede any decision on the merits of the cause. Therefore, the Court will not consider the Motions to Dismiss on the merits which have been filed by the Defendants before a determination of the venue question.

III.

From a reading of the briefs of all parties herein, it appears to the Court that Defendants and Plaintiffs are in agreement that the entire cause, including both the Fourth Amendment claim and the Fifth Amendment claim, should proceed in a single forum, and that this cause should not be bifurcated for further proceedings. The question then becomes whether a change of venue for the entire cause is appropriate under the terms of 28 U.S.C. S 1404(a), which provides as follows:

"For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought."

It is clear from the statute that a claim may be transferred only to a forum which would have been a proper forum for the initial filing of the claim. Van Dusek v. Barrack, 376 U.S. 612, 11 L.Ed.2d 945, 84 S.Ct. 805 (1964). In the instant cause, the parties have submitted briefs on the question of whether the Fourth Amendment claim could originally have been brought in the District of Maryland.

One possible basis for the institution of the Fourth Amendment claim in the District of Maryland was set out in the brief of Defendants, ARRON, GRIMES, SCHAFFSTALL, MARTEL, and JONES, wherein those Defendants argued, under the "weight of the contacts" analysis, the Fourth Amendment claim could properly have been brought, individually and without reference to the Fifth Amendment claim, in the District of Maryland. Under that approach, a claim does not necessarily arise in the judicial district in which the ultimate injury occurred, but may arise in a district in which a substantial part of the acts, events, or omissions occurred that give rise to the claim for relief. Commercial Lighting Products, Inc. v. U.S. District Court, 537 F.2d 1078 (9th Cir. 1976).

There is great support for the proposition that when the vast majority of alleged conspiratorial acts transpire in one judicial district and one of the alleged aims of the conspiracy was finally realized in another, venue may be proper in the district where conspiratorial acts are alleged to have taken place. See, e.g. Manatee Cable Vision Corp. v. Pierson, 433 F.Supp. 571 (D.D.C. 1977); California Clipper Inc. v. U.S. Soccer Football Assn., 314 F.Supp. 1057 (N.D.Cal. 1970); ABC Great States, Inc. v. Globe Ticket Co., 310 F.Supp. 739 (D.Ill. 1970); Philadelphia Housing Authority v. American Radiator and Standard Sanitary Corp., 309 F.Supp. 1053 (E.D.Pa. 1969). In the instant case, the alleged "seizure" of Sigler's property was the result of a broad conspiracy allegedly initiated and directed in or near the Judicial District of Maryland. The major alleged acts tending to support Plaintiffs' theory of a conspiracy to deny Fourth Amendment rights are virtually the same acts as those underlying the alleged violation of Fifth Amendment rights.

Under the "weight of the contacts" approach, which this Court will follow, the Plaintiffs' Fourth Amendment claim may be found to have arisen in the District of Maryland, thus making that district, under the terms of 28 U.S.C. S 1391(e)(2) a proper forum for the maintenance of Plaintiffs' Fourth Amendment claim.

IV.

The purpose of Section 1404(a) is to prevent the waste of time, energy, and money, and to protect litigants, witnesses and the public against unnecessary inconvenience and expense. Van Dusek v. Barrack, *supra*; Continental Grain Co. v. Barge SBL-585, 364 U.S. 19, 26-27, 4 L.Ed.2d 1540, 1545, 80 Sup.Ct. 1470, 1475 (1960). The Court has previously determined that the Western District of Texas is an inappropriate forum for Plaintiffs' Fifth Amendment claim against all Defendants. Although the Defendants LE VAN and PRASEK

were the only two Defendants who contested venue in the Western District, it appears to the Court that it would be wasteful to require the claim against those two Defendants to be transferred to the District of Maryland while leaving the remaining Defendants to litigate their Fifth Amendment claim in the Western District of Texas. The Court will, therefore, transfer the entire Fifth Amendment claim, against all Defendants, to the District Court of Maryland.

Further, it appears to the Court, and it also is the position of all parties to this cause, that the entire case, including both the Fourth Amendment claim and the Fifth Amendment claim, should be litigated in a single forum, as the events giving rise to both claims derive, according to Plaintiffs' complaint, from common facts.

V.

IT IS THEREFORE ORDERED that this cause be transferred, in its entirety, from the Western District of Texas, El Paso Division, to the United States District Court for the District of Maryland, for pretrial and further proceedings as may be necessary.

June 29, 1978



WILLIAM S. SESSIONS
United States District Judge

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ E F T O
☐ CLEAR

Date 6/6/78

TO: DIRECTOR, FBI (62-117536)
 ATTN: LEGAL COUNSEL DIVISION

FROM: SAC, EL PASO (62-2223) (P)

SUBJECT: ILSE M. SIGLER, ET AL,
 V. MAJOR LEVAN, ET AL
 (U.S.D.C., W.D. TEXAS,
 EL PASO DIVISION)
 CIVIL ACTION EP-77-CA0035

Re EP airtel to the Bureau, 3/24/78.

As of 6/6/78, U. S. District Judge WILLIAM SESSIONS has not made a ruling concerning the transfer of the civil case to Maryland.

SA [REDACTED] has maintained contact with AUSA JANET C. RUESCH and FBI Agent FRANCIS J. PRASEK's Attorney, JOSEPH A. CALAMIA. CALAMIA and RUESCH have advised they have no idea when Judge SESSIONS will make a ruling concerning the transfer.

b7C
 b6

LEADEL PASO

AT EL PASO, TEXAS:

Will follow and report proceedings.

②-Bureau — 1-Phoenix (62-2146) (Info)
 1-El Paso

DRP:sf
 (4)

8 JUN 9 1978

[LEGAL COUNSEL]

b7C
 b6

Approved: [Signature]

Transmitted _____ (Number) _____ (Time)

Per _____

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (62-117536)
Attention: Legal Counsel Division

DATE: 7/31/78

FROM: SAC, BALTIMORE (62-2757) - P.

SUBJECT: CHANGED:
ILSE M. SIGLER, ET AL;
MAJOR GENERAL C. J. OLE VAN, ET AL;
U. S. DISTRICT COURT,
DISTRICT OF MARYLAND,
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

Title is marked "CHANGED" to reflect transfer of
above case from the Western District of Texas to the District
of Maryland and reflects the docket number in the District of
Maryland.

Re El Paso airtel to Bureau, 6/6/78.

Enclosed herewith are docket entries recorded in
the District of Maryland in connection with transference of
the above case from the Western District of Texas to the
District of Maryland.

(2) - Bureau (Enc.1)
1 - Baltimore

ASH:df1

(3)

SI-126
REC-65
DE-12
V-2

62-117536-28

AUG 2 1978

b7C
b6

57 AUG 30 1978

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

IST/OFFICE	DOCKET YR. NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	DEMAND \$	OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR. NUMBER
0416	78 1237	07 07 78	3	360	5			7500	Inj.	1605	P	78 1237 ✓

PLAINTIFFS

Ilse M. SIGLER and KARIN
M. SIGLER NEARS

Transferred from the U.S. District
Court Western District of Texas
El Paso Division - Civil Action
No. EP 77CA35.

DEFENDANTS

MAJOR GENERAL C.J. LE VAN;
LIEUTENANT COLONEL CAREY TOMLINSON;
COLONEL DONALD B. GRIMES; MAJOR GENERAL
H.R. AARONS; MR. NOEL JONES; CHIEF WARRANT
OFFICER CARLOS ZAPATA; SPECIAL AGENT
FRANCES (JOE) PRASEK; MR. LEWIS MARTEL;
MR. JOHN SCHAFFSTALL; Party or parties
unknown who are or who were members of the
CENTRAL INTELLIGENCE AGENCY in 1976; Party
or parties unknown who are or who were
members of the FEDERAL BUREAU OF
INVESTIGATION in 1976; and Party or parties
unknown who are or who were members of the
UNITED STATES ARMY in 1976

CAUSE

Title 28 U.S.C.A. §1331(a) to recover from the Defendants damages for the
death of Ralph J. Sigler

SSR

Sidney J. Diamond
Michael R. Gibson
Diamond & Rubin
4100 Rio Bravo, Suite 211
El Paso, Texas 79902
(915) 544-5134

James E. Kenkel, Esquire
DePaul, Willoner & Kenkel, P.A.
7100 Baltimore Avenue
College Park, MD 20740

ATTORNEYS FOR MAJOR GENERAL C.J. LE VAN, LT-68E
CAREY-TOMLINSON:
Aubrey M. Daniel
Douglas R. Marvin
Williams, Connolly & Califano
100 Hill Bldg.
839 Seventeenth St., N.W.
Washington, D.C. 20006
(202) 331-5026
(Additional/Local Counsel on Page 1A)
Francis Broadus, Jr.
525 First City Nat'l. Bank Bldg.
El Paso, Texas 79901
(915) 553-2468

Jeremiah Handy, U.S. Atty. (Texas)
Frank B. Walker, AUSA (Texas)

FOR FRANCIS (JOE) PRASEK:
Joseph A. Culamia
Charles Michael Mallin
1300 Bassett Tower
El Paso, Texas 79901

-See Page 1A for additional counsel-

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	
				JS-6	

UNITED STATES DISTRICT COURT DOCKET

DC-111 (Rev. 1/75)

N 78-1237

DATE 1978	NR.	PROCEEDINGS
July 7		Case transferred from the U.S. District Court, Western District of Texas, El Paso Division, case #EP77CA35 and the following pleadings received, viz:
" "		(1) Certified copy of Docket Entries.
" "		(2) Complaint and Demand for Jury Trial.
" "		(3) Summons issued.
" "		(4) Summons issued. (Gov't. Defendants).
" "		(5) Motion of Defendants named in their official capacity, LeVan, Grimes, Aarons, Jones, Zapota, Prasik, Martel and Schoffstall for extension of time (40 days) to April 29, 1977 to move, answer, etc., to complaint and brief in support thereof.
" "		(6) Motion of Defendant, Zapota for Extension of Time to and including May 2, 1977 to move answer etc., to complaint.
" "		(7) Order (Sessions, J) granting all Defendants an extension of 60 days, until April 29, 1977 in which to move, answer, etc., to Complaint.
" "		(8) Second Motion of Defendants named in their official capacity for extension of time to and including 6/28/77 to move, answer, etc., to Complaint.
" "		(9) Order (Session, J) granting partial extension to Defendants named in their official capacity to May 20, 1977 to move, answer, etc. to Complaint.
" "		(10) Third Motion of Defendants named in their official capacity for extension of time to July 1, 1977 to move, answer, etc. to Complaint and Order (Sessions, J) granting leave as prayed.
" "		(11) Motion of Co-Defendant, Frances (Joe) Prasek for Extension of Time to and including 7/31/77 to answer, etc. Complaint and Order (Sessions, J) granting leave as prayed.
" "		(12) Motion of Defendants, Major General C.J. LeVan and Lt. Colonel Carey Tomlinson for enlargement of time to thirty days beyond July 1, 1977 within which to Answer and Respond to Plaintiff's original Complaint.
" "		(13) Fourth Motion of U.S.A. for extension of time in which to answer, etc. Complaint to and including Sept. 1, 1977.
" "		(14) Response of Plaintiff's to various Motions of Defendants for extension of time to file answer or otherwise plead.
" "		(15) Order (Sessions, J) that all Defendants herein be granted an extension of time to and including July 31, 1977 and that Plaintiffs be allowed to proceed with the discovery as therein set forth.
" "		(16) Motion of Defendant, Chief, Warrant Officer Carlos Zapata to Dismiss and Brief in support thereof

CIVIL DOCKET CONTINUATION SHEET

FPI-MI-3-14-78-SOM-3511

PLAINTIFF	DEFENDANT	DOCKET NO. <u>N78-1237</u>
ILSE M. SIGLER, ET AL	MAJOR GENERAL C. J. LE VAN, ET AL	PAGE <u>1A</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS
		<p style="text-align: center;"><u>ADDITIONAL COUSEL</u></p> <p><u>FOR CHIEF WARRANT OFFICER CARLOS ZAPATA:</u> Robert D. Earp 609 Laurel St. El Paso, Texas 79903</p> <p><u>FOR GRIMES, AARONS, JONES, MARTEL AND</u> <u>SCHAFFSTALL:</u> James F. Neal Aubrey B. Harwell, Jr. 800 Third National Bank Bldg. Nashville, Tennessee 73219 (615) 244-1713</p> <p>David R. Boyd Rogovin, Stein & Hugu 1730 Rhode Island Ave., N.W. Washington, D. C. 20036 (202) 296-5820</p> <p>Ralph E. Harris Sizemore & Harris 4849 N. Mesa Suite 311 El Paso, Texas 79912</p> <p><u>Additional Counsel for Major General</u> <u>C. J. Le Van:</u> James M. Kramon, Esq. Kramon & Graham, P.A. Sun Life Bldg., Charles Center Baltimore, Maryland 21201 752-6030</p>

CIVIL DOCKET CONTINUATION SHEET

FPI M-3-14-75-50M-2611

PLAINTIFF

ILSE M. SIGLER, et al

DEFENDANT

MAYOR GENERAL C.J. LE VAN, et al

DOCKET NO. N78-1237PAGE 2 OF PAGES

DATE 1978	NR.	PROCEEDINGS
July 7		(17) Motion of Plaintiff for Enlargement of time to Respond to Defendants Motion to Dismiss pursuant to Rule 12(b).
" "		(18) Motion of Defendant, Francis (Joe) Prasek to Dismiss pursuant to Rule 12(b) Brief in support thereof.
" "		(19) Answer of Defendant Francis (Joe) Prasek.
" "		(20) Motion of Defendant Le Van, to Dismiss or in the Alternative, Motion for Summary Judgment, Affidavit and Brief in support thereof.
" "		(21) Motion of Defendants, Major General Harold R. Aaron, Colonel Donald Grimes, Mr. Noel Jones, Mr. Lewis Martel, Jr., and Mr. John Schaffstall for Extension of time.
" "		(22) Order (Sessions, J) that Plaintiff's respond to Defendant's Motion to Dismiss on or before Sept. 1, 1977 and that Plaintiffs shall have 45 days following filing of each successive Motion to Dismiss of the other Defendants in which to respond thereto.
" "		(23) Order (Sessions, J) "Denying" Motion of Defendant's Aaron, Grimes, Jones, Martel and Schaffstal for extension of time in which to answer, etc.
" "		(24) Motion of Government for reconsideration of the Court's Order of August 1, 1977, (Paper #23) Denying Defendants Motion for Extension of Time.
" "		(25) Notice of Dismissal as to Defendant Lt. Colonel Carey Tomlinson <u>only</u> .
" "		(26) Answer of Plaintiff to Government's Motion for Reconsideration of Court's Order of August 1, 1977 Denying Defendant's Motion for Extension of Time.
" "		(27) Application for Default Judgment by the Court.
" "		(28) Request of Plaintiff's to Clerk to Enter Default of Defendants, Aaron, Grimes, Jones, Marlet and Schaffstall for failure to plead.
" "		--- Default entered at request of Attorney for Plaintiff.
" "		(29) Order (Sessions, J) of Dismissal as to Defendant, Lt. Colonel Carey Tomlinson.
" "		(30) Order (Sessions, J) "Denying" Defendants Motion for Reconsideration of the Court's Order of August 1, 1977.
" "		(31) Response of Defendants to Plaintiff's Motion for Default and Motion for Extension of time in which to Answer, etc., to Complaint.
" "		(32) Motion of Defendant, Francis (Joe) Prasek to Dismiss, and Brief in support thereof.

CIVIL DOCKET CONTINUATION SHEET

FPI-MI-3-14-75-SC-4-3511

PLAINTIFF		DEFENDANT	DOCKET NO. N78-1237
ILSE M. SIGLER, et al		MAYOR GENERAL C.J. LE VAN, et al	PAGE 3 OF 3 PAGES
DATE 1978	NR.	PROCEEDINGS	
July 7		(33) Motion for appearance of Counsel pursuant to Rule 2(f) of Local Rules of the U.S. District Court for the Western District of Texas.	
" "		(34) Answer of Defendants, Aaron, Grimes, Jones, Martel and Schaffstall to Complaint.	
" "		(35) Order (Sessions, J) relative to Pre Trial.	
" "		(36) Letter from Attorney Francis Broaddus, Jr. with Page 19 from Brief filed on 7/29/77 for insertion where it might have been omitted.	
" "		(37) Reply and Brief of Plaintiff in opposition to Motion of Defendant Zapata, to Dismiss pursuant to Rule 12(b).	
" "		(38) Reply and Brief of Plaintiff in Opposition to Defendant LeVan's Motion to Dismiss or in the Alternative and Motion for Summary Judgment.	
" "		(39) Order (Sessions, J) allowing appearance of counsel for Defendants Aaron, Grimes, Jones, Martel and Schaffstall pursuant to Local Rule 2(f).	
" "		(40) Response of Plaintiff to Defendant LeVan's Motion for Summary Judgment or in the alternative, Motion for Continuance pursuant to Rule 56(f), Affidavit and attachments.	
" "		(41) Reply and Brief of Plaintiffs in Opposition to the Motion of Francis (Joe) Prasek to Dismiss pursuant to Rule 12(b).	
" "		(42) Motion of Defendant LeVan to strike portions of Complaint as Sham and False.	
" "		(43) Reply of Defendant LeVan to Response of Plaintiff opposing Motion for Summary Judgment, or in the alternative motion for continuance pursuant to Rule 56(f) and Brief in support of Motion to strike portions of Complaint and Affidavit and attachments.	
" "		(44) Motion of Carlos Zapata under Rule 4 of the Local Court Rules.	
" "		(45) Designation of Resident Attorney, by Ralph E. Harris.	
" "		(46) Motion of Defendants, Aaron, Grimes, Jones, Martel and Schaffstall to file Amended Answer and Brief in support of and Proposed Amended Answer.	
" "		(47) Suggestion of Mootness by Attorney Ralph E. Harris.	
" "		(48) Motion of Defendants, Aaron, Grimes, Jones, Martel and Schaffstall for relief from "Order Relative to Pretrial" issued August 23, 1977 and Memorandum in support thereof.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF ILSE M. SIGLER, et al		DEFENDANT MAYOR GENERAL C.J. LE VAN, et al	DOCKET NO. <u>N78-1237</u> PAGE <u>4</u> OF <u> </u> PAGES
DATE	NR	PROCEEDINGS	
July 7		(49) Motion of Defendant, Francis (Joe) Prasek to withdraw its Order Relative to Pre-Trial.	
" "		(50) Order (Sessions, J) withdrawing Court's Order Relative to Pre-Trial of August 23, 1977.	
" "		(51) Motion of Defendants, Aaron, Grimes, Jones, Martel and Schaffstall to Dismiss.	
" "		(52) Affidavit of Lt. General Harold R. Aaron, Attachment A and Attachment B.	
" "		(53) Statement of Facts as to which no Genuine Dispute Exists.	
" "		(54) Affidavit of Donald B. Grimes.	
" "		(55) Affidavit of Noel E. Jones.	
" "		(56) Affidavit of John W. Schaffstall.	
" "		(57) Affidavit of David Robert Boyd and Attachments A and B.	
" "		(58) Affidavit of Louis R. Martel.	
" "		(59) Memorandum of Law of Defendants in support of Motion to Dismiss and for Summary Judgment.	
" "		(60) Motion for appearance of Counsel pursuant to Rule 2(f) of Local Rules of U.S. District Court for the Western District of Texas.	
" "		(61) Motion of Defendants, Aaron, Grimes, Jones, Zapata, Prasek, Martel and Schaffstall requesting Oral Argument on issues raised in Motions for Dismissal and/or Summary Judgment filed by all Defendants in this case.	
" "		(62) Order (Sessions, J) granting permission to Aubrey B. Harwell, Jr. to appear and represent Defendants Aaron, Grimes, Jones, Martel and Schaffstall in the above styled cause as therein set forth.	
" "		(63) Additional Grounds in support of Defendant, LeVan's Motion for Summary Judgment	
" "		(64) First Request of Defendants, Aaron, Grimes, Jones, Schaffstall and Martel for Plaintiff's Production of Documents.	
" "		(65) First set of Interrogatories by Defendants, Aaron, Grimes, Jones, Schaffstall and Martel propounded to Plaintiffs.	
" "		(66) Motion of Defendants Aaron, Grimes, Jones, Schaffstall and Martel to Supplement Motion to Dismiss and for Summary Judgment; attachments and Affidavit of David Robert Boyd and Order (Sessions, J) granting leave as prayed.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>N78-1237</u>
ILSE M. SIGLER, et al		MAJOR GENERAL C.J. LE VAN, et al	PAGE <u>5</u> OF <u> </u> PAGES
<u>1978</u>	NR.	PROCEEDINGS	
July 7		(67) Brief of Plaintiffs in Opposition of Defendants, Aaron, Grimes, Jones Martel and Schaffstall's Motion to Dismiss or in the Alternative Motion for Summary Judgment.	
" "		(68) Notice of Plaintiffs of taking deposition of Defendant John Schaffstall.	
" "		(69) Notice of Plaintiffs of Taking Deposition of Defendant, Mr. Lewis Martel.	
" "		(70) Notice of Plaintiffs of Taking Deposition of Defendant, Mr. Noel Jones.	
" "		(71) Notice of Plaintiffs of Taking Deposition of Defendant, Major General C.J. LeVan.	
" "		(72) Notice of Plaintiffs of Taking Deposition of Defendant, Carlos Zapata.	
" "		(73) Notice of Plaintiffs of Taking Deposition of Defendant, Major General H.R. Aaron.	
" "		(74) Notice of Plaintiffs of Taking Deposition of Defendant, Colonel Donald D. Grimes.	
" "		(75) Notice of Plaintiffs of taking Deposition of Defendant, Francis (Joe) Prasek and Summary of Testimony sought.	
" "		(76) Motion of Defendant Lt. General C.J. LeVan for Protective Order.	
" "		(77) Reply of Defendants to Plaintiffs Brief in Opposition to Dismiss or in the Alternative, Motion of Summary Judgment of Aaron, Grimes, Jones, Martel and Schaffstall.	
" "		(78) Motion of Defendants, Aaron, Grimes, Jones, Schaffstall and Martel to supplement Motion of Dismiss and for Summary Judgment.	
" "		(79) Transcript of February 1, 1978 Stipulation between parties.	
" "		(80) Order (Sessions, J) granting Motion for Protective Order and that depositing of all defendants previously noticed by Plaintiffs herein be stayed as therein set forth.	
" "		(81) Assertion of Interest by the United States.	
" "		(82) Motion of the United States for a Protective Order, Brief in Support of and Affidavit of Eugene C. Peterson.	
" "		(83) Motion of United States to Participate at Depositions, Brief in support of and affidavit of Merrill T. Kelly.	
" "		(84) Order (Sessions, J) that all parties in this cause file with the Court within twenty days of March 22, 1978	

U.S. DISTRICT COURT DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>N78-1237</u>
ILSE M. SIGLER, et al	MAJOR GENERAL C.J. LE VAN, et al	PAGE <u>6</u> OF <u> </u> PAGES

DATE 1978	NR.	PROCEEDINGS
July 7		briefs addressing the issue of whether the Court should in addition to transferring Plaintiffs Fifth Amendment Claim against Defendant LeVan to the District Court of Maryland, also transfer the Plaintiff's Fourth Amendment Claim and Fifth Amendment Claim against Defendant LeVan to the District Court of Maryland, also transfer the Plaintiff's Fourth Amendment Claim and Fifth Amendment claim against the other Defendants to the District Court of Maryland, pursuant to 28 U.S.C. §1404(a).
"	"	(85) Brief of Defendant, Prasek, in Response of Court's Memorandum Opinion and Order of March 22, 1978
"	"	(86) Memorandum of Defendant Lt. General C. J. LeVan in support of Motions to Dismiss and for Summary Judgment etc.
"	"	(87) Brief of Defendant Chief Warrant Officer, Carlos Zapata in Response to Court's Memorandum Opinion and Order dated March 22, 1978.
"	"	(88) Motion of Plaintiffs for Extension of Time to submit Brief in Response to Court's Memorandum and Order of March 22, 1978.
"	"	(89) Memorandum of Defendants, Aaron, Grimes, Jones, Schaffstall and Martel in Response to Court's Memorandum and Opinion.
"	"	(90) Order (Sessions, J) that Plaintiffs submit Brief addressing the issue of transfer of the cause on or before April 21, 1978.
"	"	(91) Brief of Plaintiffs in Response to Court's Order of March 22, 1978.
"	"	(92) Supplemental Memorandum of Defendants, Aaron, Grimes, Jones, Schaffstall and Martel in support of Motion to Dismiss or Summary Judgment and attachments.
"	"	(93) Supplemental Memorandum of Defendant, Lt. General C.J. LeVan in support of Motion to Dismiss or Summary Judgment.
"	"	(94) Supplemental Motion of Defendant Francis (Joe) Prasek to Dismiss and Memorandum in support thereof.
"	"	(95) Plaintiffs Acquiescence to transfer proceedings to Maryland.
"	"	(96) Supplemental Memorandum of Defendants, Aaron, Grimes, Jones, Martel, and Schaffstall re: Motions to Dismiss and Transfer of Venue.
"	"	(97) Certified Copy of Memorandum Opinion and Order (Sessions, J) transferring cause, in its entirety from the Western District of Texas El Paso Division, to the U.S. District Court for the District of Maryland for pretrial and further proceedings as may be necessary.

-OVER-

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>N-78-123</u>
ILSE M. SIGLER, ET AL		MAJOR GENERAL C. J. LE VAN, ET	AL PAGE ____ OF ____ PAGES
DATE 1978	NR.	PROCEEDINGS	
July 24	98	Motion and Order (Miller, J.) directing Clerk to correct docket entry regarding Plaintiff, Karin M. Sigler, to reflect her true and correct name by marriage to be, Karin M. Sigler Mears; and "GRANTING" leave to strike the appearance of Sidney J. Diamond, Esquire, and enter the appearance of James E. Kenkel, Esquire, as counsel for Plaintiff (c/m 7-25-78 nbv)	
" 27	99	Appearance of James M. Kramon, Esquire, as additional counsel for Defendant, Major General C. J. Le Van.	

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ E F T O
☐ CLEAR

Date 8/14/78

TO: DIRECTOR, FBI (62-117536)
 (ATTN: LEGAL COUNSEL DIVISION)

FROM: SAC, PHOENIX (62-2146) (P)

SUBJECT: ILSE M. SIGLER, ET AL,
 V. MAJOR GENERAL C. J. LEVAN, ET AL
 (U.S.D.C., W.D. TEXAS,
 EL PASO DIVISION)
 CIVIL ACTION EP-77-CA0035
 MISCELLANEOUS - CIVIL SUIT
 OO: BALTIMORE

Re EP airtel to Bureau, 7/5/78.

Enclosed for the Bureau and Baltimore is a Xeroxed copy of a letter to JOSEPH A. CALAMIA dated 8/11/78.

On 6/29/78, USDJ WILLIAM S. SESSIONS, WDT, El Paso, Texas, ordered the captioned court case transferred to the District Court of Maryland, Baltimore, pursuant to motions filed with him.

Subsequent contacts with JOHN SEIBERT, U. S. Department of Justice, Washington, D. C., who is handling this case, determined that all future court actions in this case will be in Baltimore and it became readily apparent that it would be necessary to retain local counsel in that city in order to pursue the defense of SA PRASEK.

By enclosed letter, JOSEPH A. CALAMIA and C. MICHAEL MALLIN, Attorneys at Law, El Paso, were relieved of any further responsibilities insofar as their duties on behalf of SA PRASEK are concerned.

- ENCLOSURE
- ② - Bureau (Enc. 1)
 - 2 - Baltimore (Enc. 1)
 - 2 - Phoenix "ENCLOSURE ATTACHED"

FJP:qgb
 (6)

Approved: 70 SEP 25 1978

Transmitted

(Number)

(Time)

Per

b7C
 b6

PX 62-2146

AAG SEIBERT assisted SA PRASEK in finding new counsel in Baltimore in the person of ALAN I. BARON who was born in Baltimore in [] and is a member of the law firm of FRANK, BERNSTEIN, CONAWAY and GOLDMAN, 1300 Mercantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Maryland 21201. BARON did his undergraduate work at Princeton and received his law degree from Harvard. He was admitted to practice in Maryland in 1966 and served as AUSA 1967-1970 in the District of Maryland.

In view of the highly sensitive nature of Bureau information concerned in this case, it will be necessary that BARON be granted a "TOP SECRET" clearance so that he may review Bureau and El Paso files relating to the investigation that prompted this lawsuit.

It is not known when this case will be set for hearing by USDJ EDWARD NORTHRUP, Baltimore, to whom this litigation is assigned; therefore, no more definite information is known at this time.

The Bureau will be kept advised of all pertinent developments.

ENCLOSURE:

TO: BU (62-117536)

FROM: PX (62-2146)

RE: ILSE M. SIGLER, ET AL

Enc. 1 via PX airtel dtd 8/14/78.

Described as:

Xeroxed copy of a letter to
JOSEPH A. CALAMIA dtd 8/11/78.

62-117536-29

ENCLOSURE

307

August 11, 1978

Joseph A. Calamia
Attorney At Law
Suite 1300 Bassett Tower
El Paso, Texas 79901

Re: Civil Action EP. 77CA35

Dear Mr. Calamia:

Pursuant to our telephone conversation of August 10, 1978, this letter is for the purpose of formally notifying you and your associate, C. Michael Mallin, that in view of the order of Judge William Sessions transferring jurisdiction to Baltimore, Maryland, it will be necessary for me to retain counsel in that city.

Accordingly, it is hereby requested that you take the necessary steps to withdraw as counsel in this matter and to facilitate replacement representation.

This communication relieves you and Mr. Mallin from all further responsibilities in these proceedings.

The many hours that you have devoted to my problem and the understanding you have both exhibited are deeply appreciated by me and my family, and we wish to express our gratitude.

Very truly yours,


Francis Joseph Prasek

State of Arizona)
County of Maricopa) ss.

SUBSCRIBED AND SWORN to before me this 11th day
of August, 1978.


Shirley J. Wilson
Notary Public

My Commission Expires January 11, 1982.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (62-117536)
Attention: Legal Counsel Division

DATE: 8/31/78

FROM : SAC, BALTIMORE (62-2757) P

SUBJECT: ILSE M. SIGLER, ET AL;
MAJOR GENERAL C. J. LE VAN, ET AL;
U. S. DISTRICT COURT,
DISTRICT OF MARYLAND,
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

ReBAlet to Bureau, 7/31/78.

Enclosed for Bureau and Phoenix is one copy each
of updated last page of docket entries in instant case.

2 - Bureau (Enc.1)
1 - Phoenix (62-2146)
(Enc.1) (Info.)
1 - Baltimore
ASH:df1
(4)

REC-89

FX-136

62-117536

30

20 SEP 1 1978



b7C
b6



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>N-78-123</u>
ILSE M. SIGLER, ET AL	MAJOR GENERAL C. J. LE VAN, ET AL	PAGE ____ OF ____ PAGES

DATE 1978	NR.	PROCEEDINGS
July 24	98	Motion and Order (Miller, J.) directing Clerk to correct docket entry regarding Plaintiff, Karin M. Sigler, to reflect her true and correct name by marriage to be, Karin M. Sigler Mears; and "GRANTING" leave to strike the appearance of Sidney J. Diamond, Esquire, and enter the appearance of James E. Kenkel, Esquire, as counsel for Plaintiff (c/m 7-25-78 nbv)
" 27	99	Appearance of James M. Kramon, Esquire, as additional counsel for Defendant, Major General C. J. Le Van.
Aug. 3	100	Appearance of Joseph A. Schwartz, III, Esquire, as counsel for Defendants, Lieutenant General H. R. Aaron, Colonel Donald B. Grimes, Noel E. Jones, John W. Schaffstall and Louis R. Martel.
" 4	101	Motion and Order (Northrop, C.J.) "GRANTING" leave to Ralph E. Harris, Esquire, to withdraw as counsel for Defendants, Aaron, Grimes, Jones, Schaffstall and Martel. (c/m 8-7-78 nbv)
" 8	102	Appearance of Russell T. Baker, Jr., United States Attorney, and Lynne A. Battaglia, Assistant United States Attorney, as counsel for Defendants.
" 14	103	Appearance of R. John Seibert, and Raymond M. Larizza and Lynne A. Battaglia, as counsel for the United States of America. (c/s)
" 22	104	Motion of Francis E. Broaddus, Jr., Esquire, to withdraw as attorney for Defendant, Lieutenant General C. J. LeVan and Order (Northrop, C.J.) "GRANTING" leave as prayed. (c/m 8-23-78 nbv)
" 25	105	Appearance of Alan I. Baron, Esquire, as counsel for Defendant, Francis J. Prasek.

UNITED STATES GOVERNMENT

Memorandum

TO :

DIRECTOR, FBI (62-117536) DATE: 10/13/78
(ATTEN: LEGAL COUNSEL DIVISION)

FROM :

SAC, BALTIMORE (62-2757) (P)

SUBJECT:

ILSE M. SIGLER, ET AL;
MAJOR GENERAL C. J. LE VAN, ET AL;
U.S. DISTRICT COURT,
DISTRICT OF MARYLAND,
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

RE: Baltimore letter to the Bureau, 8/31/78.

Enclosed for the Bureau and Phoenix is one copy
each of updated docket entries in instant case.

2-Bureau (Encs. 1)
1-Phoenix (Encs. 1)
2-Baltimore
WTM:aip
(5)

ENCLOSURE

EX-122

REC-16

62-117536-31

5 OCT 16 1978

LEGAL COUNSEL



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

b7C
b6

62-2757

IST/OFFICE	DOCKET YR. NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR. NUMBER
0416	78 1237	07 07 78	3	360	5			7500 Inj.	1605	P	78 1237 ¹

PLAINTIFFS

Ilse M. SIGLER and KARIN
M. SIGLER MEARS

Transferred from the U.S. District
Court Western District of Texas
El Paso Division - Civil Action
No. EP 77CA35.

DEFENDANTS

MAJOR GENERAL C.J. LE VAN;
LIEUTENANT COLONEL CAREY TOMLINSON;
COLONEL DONALD B. GRIMES; MAJOR GENERAL
H.R. AARONS; MR. NOEL JONES; CHIEF WARRANT
OFFICER CARLOS ZAPATA; SPECIAL AGENT
FRANCES (JOE) PRASEK; MR. LEWIS MARTEL;
MR. JOHN SCHAFFSTALL; Party or parties
unknown who are or who were members of the
CENTRAL INTELLIGENCE AGENCY in 1976; Party
or parties unknown who are or who were
members of the FEDERAL BUREAU OF
INVESTIGATION in 1976; and Party or parties
unknown who are or who were members of the
UNITED STATES ARMY in 1976

CAUSE

Title 28 U.S.C.A. §1331(a) to recover from the Defendants damages for the
death of Ralph J. Sigler

ssr

ATTORNEYS FOR MAJOR GENERAL C.J. LE VAN, Lt.-Col.

Sidney J. Diamond
Michael R. Gibson
Diamond & Rubin --
4100 Rio Bravo, Suite 211
El Paso, Texas 79902
(915) 544-5134

James E. Kenkel, Esquire
DePaul, Willoner & Kenkel, P.A.
7100 Baltimore Avenue
College Park, MD 20740

7/28/78
8/30/78

GAREY TOMLINSON:
Aubrey M. Daniel
Douglas R. Marvin
Williams, Connolly & Califano
100 Hill Bldg.
839 Seventeenth St., N.W.
Washington, D.C. 20006
(202) 331-5026
(Additional/Local Counsel on Page 1A)
Francis Broadus, Jr.
525 First City Nat'l Bank Bldg.
El Paso, Texas 79901
(915) 553-2468

Jeremiah Handy, U.S. Atty. (Texas)
Frank B. Walker, AUSA (Texas)

FOR FRANCIS (JOE) PRASEK:

Joseph A. Calamia
Charles Michael Mallin
1300 Bassett Tower
El Paso, Texas 79901

Alan I. Baron, Esq.
1300 Mercantile Bank & Trust Bldg.
2 Hopkins Plaza, Balto., MD 21201
547-0500

-See Page 1A for additional counsel-

CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	
				JS-6	

UNITED STATES DISTRICT COURT DOCKET

DC-113 (Rev. 1/75)

CIVIL DOCKET CONTINUATION SHEET

FPI-MI-3-14-75 50M-3511

PLAINTIFF		DEFENDANT	DOCKET NO. <u>N78-1237</u>
ILSE M. SIGLER, ET AL		MAJOR GENERAL C. J. LE VAN, ET AL	PAGE <u>1A</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
		<p align="center"><u>ADDITIONAL COUSEL</u></p> <p><u>FOR CHIEF WARRANT OFFICER CARLOS ZAPATA:</u> Robert D. Earp 609 Laurel St. El Paso, Texas 79903</p> <p><u>FOR GRIMES, AARONS, JONES, MARTEL AND SCHAFFSTALL:</u> James F. Neal Joseph A. Schwartz, III Aubrey B. Harwell, Jr. Suite 1211, Fidelity Bldg. 800 Third National Bank Bldg. Baltimore, MD 21201 Nashville, Tennessee 73219 752-6818 (615) 244-1713</p> <p>David R. Boyd Rogovin, Stein & Huger 1730 Rhode Island Ave., N.W. Washington, D. C. 20036 (202) 296-5820</p> <p>-Ralph E. Harris---- -Sizemore & Harris-- =4849 N. Messa Suite 311-- -El Paso, Texas -79912---</p> <p>Additional Counsel for Major General C. J. Le Van: James M. Kramon, Esq. Kramon & Graham, P.A. Sun Life Bldg., Charles Center Baltimore, Maryland 21201 752-6030</p> <p><u>For Defendants *</u> Russell T. Baker, USA Lynne A. Battaglia, AUSA U.S. Courthouse, 8th floor 101 W. Lombard St. Baltimore, MD 21201 962-4822</p> <p><u>For U.S.A. *</u> R. John Seibert Raymond M. Larizza Department of Justice Washington, D.C. 20530 202-739-3385</p>	

DC-111A REV. (1/75)

N78-1237

DATE 1978	NR.	PROCEEDINGS
July 7		Case transferred from the U.S. District Court, Western District of Texas, El Paso Division, case #EP77CA35 and the following pleadings received, viz:
" "		(1) Certified copy of Docket Entries.
" "		(2) Complaint and Demand for Jury Trial.
" "		(3) Summons issued.
" "		(4) Summons issued. (Gov't. Defendants).
" "		(5) Motion of Defendants named in their official capacity, LeVan, Grimes, Aarons, Jones, Zapota, Prasik, Martel and Schoffstall for extension of time (40 days) to April 29, 1977 to move, answer, etc., to complaint and brief in support thereof.
" "		(6) Motion of Defendant, Zapota for Extension of Time to and including May 2, 1977 to move answer etc., to complaint.
" "		(7) Order (Sessions, J) granting all Defendants an extension of 60 days, until April 29, 1977 in which to move, answer, etc., to Complaint.
" "		(8) Second Motion of Defendants named in their official capacity for extension of time to and including 6/28/77 to move, answer, etc., to Complaint.
" "		(9) Order (Session, J) granting partial extension to Defendants named in their official capacity to May 20, 1977 to move, answer, etc. to Complaint.
" "		(10) Third Motion of Defendants named in their official capacity for extension of time to July 1, 1977 to move, answer, etc. to Complaint and Order (Sessions, J) granting leave as prayed.
" "		(11) Motion of Co-Defendant, Frances (Joe) Prasek for Extension of Time to and including 7/31/77 to answer, etc. Complaint and Order (Sessions, J) granting leave as prayed.
" "		(12) Motion of Defendants, Major General C.J. LeVan and Lt. Colonel Carey Tomlinson for enlargement of time to thirty days beyond July 1, 1977 within which to Answer and Respond to Plaintiff's original Complaint.
" "		(13) Fourth Motion of U.S.A. for extension of time in which to answer, etc. Complaint to and including Sept. 1, 1977.
" "		(14) Response of Plaintiff's to various Motions of Defendants for extension of time to file answer or otherwise plead.
" "		(15) Order (Sessions, J) that all Defendants herein be granted an extension of time to and including July 31, 1977 and that Plaintiffs be allowed to proceed with the discovery as therein set forth.
" "		(16) Motion of Defendant, Chief, Warrant Officer Carlos Zapata to Dismiss and Brief in support thereof

CIVIL DOCKET CONTINUATION SHEET

FPI. 111-3-14-75-504-3511

PLAINTIFF	DEFENDANT	DOCKET NO. <u>N78-1237</u>
ILSE M. SIGLER, et al	MAYOR GENERAL C.J. LE VAN, et al	PAGE <u>2</u> OF <u> </u> PAGES

DATE 1978	NR.	PROCEEDINGS
July 7		(17) Motion of Plaintiff for Enlargement of time to Respond to Defendants Motion to Dismiss pursuant to Rule 12(b).
" "		(18) Motion of Defendant, Francis (Joe) Prasek to Dismiss pursuant to Rule 12(b) Brief in support thereof.
" "		(19) Answer of Defendant Francis (Joe) Prasek.
" "		(20) Motion of Defendant Le Van, to Dismiss or in the Alternative, Motion for Summary Judgment, Affidavit and Brief in support thereof.
" "		(21) Motion of Defendants, Major General Harold R. Aaron, Colonel Donald Grimes, Mr. Noel Jones, Mr. Lewis Martel, Jr., and Mr. John Schaffstall for Extension of time.
" "		(22) Order (Sessions, J) that Plaintiff's respond to Defendant's Motion to Dismiss on or before Sept. 1, 1977 and that Plaintiffs shall have 45 days following filing of each successive Motion to Dismiss of the other Defendants in which to respond thereto.
" "		(23) Order (Sessions, J) "Denying" Motion of Defendant's Aaron, Grimes, Jones, Martel and Schaffstal for extension of time in which to answer, etc.
" "		(24) Motion of Government for reconsideration of the Court's Order of August 1, 1977, (Paper #23) Denying Defendants Motion for Extension of Time.
" "		(25) Notice of Dismissal as to Defendant Lt. Colonel Carey Tomlinson <u>only</u> .
" "		(26) Answer of Plaintiff to Government's Motion for Reconsideration of Court's Order of August 1, 1977 Denying Defendant's Motion for Extension of Time.
" "		(27) Application for Default Judgment by the Court.
" "		(28) Request of Plaintiff's to Clerk to Enter Default of Defendants, Aaron, Grimes, Jones, Martel and Schaffstall for failure to plead.
" "		--- Default entered at request of Attorney for Plaintiff.
" "		(29) Order (Sessions, J) of Dismissal as to Defendant, Lt. Colonel Carey Tomlinson.
" "		(30) Order (Sessions, J) "Denying" Defendants Motion for Reconsideration of the Court's Order of August 1, 1977.
" "		(31) Response of Defendants to Plaintiff's Motion for Default and Motion for Extension of time in which to Answer, etc., to Complaint.
" "		(32) Motion of Defendant, Francis (Joe) Prasek to Dismiss, and Brief in support thereof.

DC-111A REV. (1/75)

CIVIL DOCKET CONTINUATION SHEET

FPI-MI-3-14-75 SCW 3511

PLAINTIFF	DEFENDANT	DOCKET NO. N78-1237
ILSE M. SIGLER, et al	MAYOR GENERAL C.J. LE VAN, et al	PAGE 3 OF ____ PAGES

DATE 1978	NR.	PROCEEDINGS
July 7		(33) Motion for appearance of Counsel pursuant to Rule 2(f) of Local Rules of the U.S. District Court for the Western District of Texas.
" "		(34) Answer of Defendants, Aaron, Grimes, Jones, Martel and Schaffstall to Complaint.
" "		(35) Order (Sessions, J) relative to Pre Trial.
" "		(36) Letter from Attorney Francis Broaddus, Jr. with Page 19 from Brief filed on 7/29/77 for insertion where it might have been omitted.
" "		(37) Reply and Brief of Plaintiff in opposition to Motion of Defendant Zapata, to Dismiss pursuant to Rule 12(b).
" "		(38) Reply and Brief of Plaintiff in Opposition to Defendant LeVan's Motion to Dismiss or in the Alternative and Motion for Summary Judgment.
" "		(39) Order (Sessions, J) allowing appearance of counsel for Defendants Aaron, Grimes, Jones, Martel and Schaffstall pursuant to Local Rule 2(f).
" "		(40) Response of Plaintiff to Defendant LeVan's Motion for Summary Judgment or in the alternative, Motion for Continuance pursuant to Rule 56(f), Affidavit and attachments.
" "		(41) Reply and Brief of Plaintiffs in Opposition to the Motion of Francis (Joe) Prasek to Dismiss pursuant to Rule 12(b).
" "		(42) Motion of Defendant LeVan to strike portions of Complaint as Sham and False.
" "		(43) Reply of Defendant LeVan to Response of Plaintiff opposing Motion for Summary Judgment, or in the alternative motion for continuance pursuant to Rule 56(f) and Brief in support of Motion to strike portions of Complaint and Affidavit and attachments.
" "		(44) Motion of Carlos Zapata under Rule 4 of the Local Court Rules.
" "		(45) Designation of Resident Attorney, by Ralph E. Harris.
" "		(46) Motion of Defendants, Aaron, Grimes, Jones, Martel and Schaffstall to file Amended Answer and Brief in support of and Proposed Amended Answer.
" "		(47) Suggestion of Mootness by Attorney Ralph E. Harris.
" "		(48) Motion of Defendants, Aaron, Grimes, Jones, Martel and Schaffstall for relief from "Order Relative to Pretrial" issued August 23, 1977 and Memorandum in support thereof.

DC-111A, REV. (1/75)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF ILSE M. SIGLEN, et al		DEFENDANT MAYOR GENERAL C.J. LE VAN, et al	DOCKET NO. <u>N78-1237</u> PAGE <u>4</u> OF <u> </u> PAGES
<u>1978</u>	NR.	PROCEEDINGS	
July 7		(49) Motion of Defendant, Francis (Joe) Prasek to withdraw its Order Relative to Pre-Trial.	
" "		(50) Order (Sessions, J) withdrawing Court's Order Relative to Pre-Trial of August 23, 1977.	
" "		(51) Motion of Defendants, Aaron, Grimes, Jones, Martel and Schaffstall to Dismiss.	
" "		(52) Affidavit of Lt. General Harold R. Aaron, Attachment A and Attachment B.	
" "		(53) Statement of Facts as to which no Genuine Dispute Exists.	
" "		(54) Affidavit of Donald B. Grimes.	
" "		(55) Affidavit of Noel E. Jones.	
" "		(56) Affidavit of John W. Schaffstall.	
" "		(57) Affidavit of David Robert Boyd and Attachments A and B.	
" "		(58) Affidavit of Louis R. Martel.	
" "		(59) Memorandum of Law of Defendants in support of Motion to Dismiss and for Summary Judgment.	
" "		(60) Motion for appearance of Counsel pursuant to Rule 2(f) of Local Rules of U.S. District Court for the Western District of Texas.	
" "		(61) Motion of Defendants, Aaron, Grimes, Jones, Zapata, Prasek, Martel and Schaffstall requesting Oral Argument on issues raised in Motions for Dismissal and/or Summary Judgment filed by all Defendants in this case.	
" "		(62) Order (Sessions, J) granting permission to Aubrey B. Harwell, Jr. to appear and represent Defendants Aaron, Grimes, Jones, Martel and Schaffstall in the above styled cause as therein set forth.	
" "		(63) Additional Grounds in support of Defendant, LeVan's Motion for Summary Judgment	
" "		(64) First Request of Defendants, Aaron, Grimes, Jones, Schaffstall and Martel for Plaintiff's Production of Documents.	
" "		(65) First set of Interrogatories by Defendants, Aaron, Grimes, Jones, Schaffstall and Martel propounded to Plaintiffs.	
" "		(66) Motion of Defendants Aaron, Grimes, Jones, Schaffstall and Martel to Supplement Motion to Dismiss and for Summary Judgment; attachments and Affidavit of David Robert Boyd and Order (Sessions, J) granting leave as prayed.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>N78-1237</u>
ILSE M. SIGLER, et al	MAJOR GENERAL C.J. LE VAN, et al	PAGE <u>5</u> OF <u> </u> PAGES

DATE	NR.	PROCEEDINGS
July 7		(67) Brief of Plaintiffs in Opposition of Defendants, Aaron, Grimes, Jones Martel and Schaffstall's Motion to Dismiss or in the Alternative Motion for Summary Judgment.
" "		(68) Notice of Plaintiffs of taking deposition of Defendant John Schaffstall.
" "		(69) Notice of Plaintiffs of Taking Deposition of Defendant, Mr. Lewis Martel.
" "		(70) Notice of Plaintiffs of Taking Deposition of Defendant, Mr. Noel Jones.
" "		(71) Notice of Plaintiffs of Taking Deposition of Defendant, Major General C.J. LeVan.
" "		(72) Notice of Plaintiffs of Taking Deposition of Defendant, Carlos Zapata.
" "		(73) Notice of Plaintiffs of Taking Deposition of Defendant, Major General H.R. Aaron.
" "		(74) Notice of Plaintiffs of Taking Deposition of Defendant, Colonel Donald D. Grimes.
" "		(75) Notice of Plaintiffs of taking Deposition of Defendant, Francis (Joe) Prasek and Summary of Testimony sought.
" "		(76) Motion of Defendant Lt. General C.J. LeVan for Protective Order.
" "		(77) Reply of Defendants to Plaintiffs Brief in Opposition to Dismiss or in the Alternative, Motion of Summary Judgment of Aaron, Grimes, Jones, Martel and Schaffstall.
" "		(78) Motion of Defendants, Aaron, Grimes, Jones, Schaffstall and Martel to supplement Motion of Dismiss and for Summary Judgment.
" "		(79) Transcript of February 1, 1978 Stipulation between parties.
" "		(80) Order (Sessions, J) granting Motion for Protective Order and that depositing of all defendants previously noticed by Plaintiffs herein be stayed as therein set forth.
" "		(81) Assertion of Interest by the United States.
" "		(82) Motion of the United States for a Protective Order, Brief in Support of and Affidavit of Eugene C. Peterson.
" "		(83) Motion of United States to Participate at Depositions, Brief in support of and affidavit of Merrill T. Kelly.
" "		(84) Order (Sessions, J) that all parties in this cause file with the Court within twenty days of March 22, 1978

VIL DOCKET CONTINUATION SHEET

PLAINTIFF ILSE M. SIGLER, et al	DEFENDANT MAJOR GENERAL C.J. LE VAN, et al	DOCKET NO. <u>N78-1237</u> PAGE <u>6</u> OF <u> </u> PAGES
------------------------------------	---	--

DATE 1978	NR.	PROCEEDINGS
July 7		briefs addressing the issue of whether the Court should in addition to transferring Plaintiffs Fifth Amendment Claim against Defendant LeVan to the District Court of Maryland, also transfer the Plaintiff's Fourth Amendment Claim and Fifth Amendment Claim against Defendant LeVan to the District Court of Maryland, also transfer the Plaintiff's Fourth Amendment Claim and Fifth Amendment claim against the other Defendants to the District Court of Maryland, pursuant to 28 U.S.C. §1404(a).
"	"	(85) Brief of Defendant, Prasek, in Response of Court's Memorandum Opinion and Order of March 22, 1978
"	"	(86) Memorandum of Defendant Lt. General C. J. LeVan in support of Motions to Dismiss and for Summary Judgment etc.
"	"	(87) Brief of Defendant Chief Warrant Officer, Carlos Zapata in Response to Court's Memorandum Opinion and Order dated March 22, 1978.
"	"	(88) Motion of Plaintiffs for Extension of Time to submit Brief in Response to Court's Memorandum and Order of March 22, 1978.
"	"	(89) Memorandum of Defendants, Aaron, Grimes, Jones, Schaffstall and Martel in Response to Court's Memorandum and Opinion.
"	"	(90) Order (Sessions, J) that Plaintiffs submit Brief addressing the issue of transfer of the cause on or before April 21, 1978.
"	"	(91) Brief of Plaintiffs in Response to Court's Order of March 22, 1978.
"	"	(92) Supplemental Memorandum of Defendants, Aaron, Grimes, Jones, Schaffstall and Martel in support of Motion to Dismiss or Summary Judgment and attachments.
"	"	(93) Supplemental Memorandum of Defendant, Lt. General C.J. LeVan in support of Motion to Dismiss or Summary Judgment.
"	"	(94) Supplemental Motion of Defendant Francis (Joe) Prasek to Dismiss and Memorandum in support thereof.
"	"	(95) Plaintiffs Acquiescence to transfer proceedings to Maryland.
"	"	(96) Supplemental Memorandum of Defendants, Aaron, Grimes, Jones, Martel, and Schaffstall re: Motions to Dismiss and Transfer of Venue.
"	"	(97) Certified Copy of Memorandum Opinion and Order (Sessions, J) transferring cause, in its entirety from the Western District of Texas El Paso Division, to the U.S. District Court for the District of Maryland for pretrial and further proceedings as may be necessary.
-OVER-		

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>N-78-125</u>
ILSE M. SIGLER, ET AL		MAJOR GENERAL C. J. LE VAN, ET	AL PAGE ____ OF ____ PAGES
DATE 1978	NR.	PROCEEDINGS	
July 24	98	Motion and Order (Miller, J.) directing Clerk to correct docket entry regarding Plaintiff, Karin M. Sigler, to reflect her true and correct name by marriage to be, Karin M. Sigler Mears; and "GRANTING" leave to strike the appearance of Sidney J. Diamond, Esquire, and enter the appearance of James E. Kenkel, Esquire, as counsel for Plaintiff (c/m 7-25-78 nbv)	
" 27	99	Appearance of James M. Kramon, Esquire, as additional counsel for Defendant, Major General C. J. Le Van.	
Aug. 3	100	Appearance of Joseph A. Schwartz, III, Esquire, as counsel for Defendants, Lieutenant General H. R. Aaron, Colonel Donald B. Grimes, Noel E. Jones, John W. Schaffstall and Louis R. Martel.	
" 4	101	Motion and Order (Northrop, C.J.) "GRANTING" leave to Ralph E. Harris Esquire, to withdraw as counsel for Defendants, Aaron, Grimes, Jones, Schaffstall and Martel. (c/m 8-7-78 nbv)	
" 8	102	Appearance of Russell T. Baker, Jr., United States Attorney, and Lynn A. Battaglia, Assistant United States Attorney, as counsel for Defendants.	
" 14	103	Appearance of R. John Seibert, and Raymond M. Larizza and Lynne A. Battaglia, as counsel for the United States of America. (c/s)	
" 22	104	Motion of Francis E. Broaddus, Jr., Esquire, to withdraw as attorney for Defendant, Lieutenant General C. J. LeVan and Order (Northrop, C.J.) "GRANTING" leave as prayed. (c/m 8-23-78 nbv)	
" 25	105	Appearance of Alan I. Baron, Esquire, as counsel for Defendant, Francis J. Prasek.	
" 28	106	Motion, Exhibit A and Order (Northrop, C.J.) "GRANTING" leave to Joseph A. Calamia and Charles Michael Mallin to withdraw as attorneys of record for Defendant, Francis J. Prasek. (c/m 8-30-78)	
Sept. 5	107	Appearance of Richard R. Beauchemin, Esquire, as co-counsel for Defendant, Chief Warrant Officer Carlos Zapata.	

UNITED STATES GOVERNMENT

Memorandum

TO :

DIRECTOR, FBI (62-117536)
(ATTEN: LEGAL COUNSEL DIVISION)

DATE: 11/14/78

FROM :

SAC, BALTIMORE (62-2757) (P)

SUBJECT:

ILSE M. SIGLER, ET AL;
MAJOR GENERAL C. J. LE VAN, ET AL;
U. S. DISTRICT COURT,
DISTRICT OF MARYLAND,
CIVIL ACTION #N 78-1237
~~MISCELLANEOUS - CIVIL SUIT~~

Re Baltimore letter to Bureau, 10/13/78.

Docket check on 11/8/78, revealed no change.

EX-117
REC-10

62-117536-32

1 NOV 21 1978

2 - Bureau
2 - Baltimore
ASH:pk
(4)

b7C
b6



5010-107

DEC 14 1978

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Memorandum

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.:
 Adm. Servs. _____
 Crim. Inv. _____
 Ident. _____
 Intell. _____
 Laboratory _____
 Legal Coun. _____
 Plan. & Insp. _____
 Rec. Mgnt. _____
 Tech. Servs. _____
 Training _____
 Public Affs. Off. _____
 Telephone Rm. _____
 Director's Sec'y _____

TO : Assistant Director
 Administrative Services Division

DATE: 11/15/78

FROM : Legal Counsel *[Signature]*

SUBJECT: ILSE M. SIGLER, et al., v.
 MAJOR GENERAL C. JOLE VAN, et al.
 (U.S.D.C., D. MD.)
 CIVIL ACTION NO. N 78-1237

PURPOSE: To advise of the necessity for travel to Baltimore, Maryland, on 11/17/78 by SA Bernard J. Murphy of our Civil Litigation Unit.

SYNOPSIS AND DETAILS: Plaintiff's husband Ralph J. Sigler, committed suicide by electrocution in April, 1978. In this action plaintiff alleges that her husband's suicide was brought about either deliberately or negligently by Agents of the United States Army Intelligence Agency and Agents of the FBI. *[Signature]* b7D

In July, 1978, the case was transferred from the El Paso Division of the United States District Court for the Western District of Texas to the United States District Court at Baltimore, Maryland. SA Francis J. Prasek, currently of the Phoenix Field Office, is a defendant in this action and is represented by private counsel at the expense of the Department of Justice (DOJ). The transfer of this case necessitated hiring a new attorney to represent SA Prasek. The new attorney will need clearance from the DOJ (he is a former Assistant United States Attorney and currently has a clearance in another matter) to review some very sensitive documents in the FBI files in El Paso and FBIHQ.

A conference is being held at 9:30 a.m. on 11/17/78 in the chambers of United States District Court Chief Judge Northrup in Baltimore, Maryland. DOJ attorneys Ray Larizza and R. John S. [unclear] have requested an FBI representative attend.

1 - Mr. Mintz
 1 - CLU Travel Folder

1 - Mr. Murphy
 1 - Personnel File, 16 DEC 5 1978
 SA Bernard J. Murphy

[Signature]
 BJM:bbh
 (5)

(CONTINUED - OVER)

DEC 28 1978

Legal Counsel to Assistant Director, ASD
Re: ILSE M. SIGLER, et al., v.
MAJOR GENERAL C. J. LE VAN, et al.

The Department intends to seek leave of the court to attend any depositions of Government employees in order to protect any privileged information which may become the subject of depositions. The conference should largely deal with procedural matters but because of the sensitive nature of this case, Bureau interest in protecting privileged material and the DOJ attorneys' request for an FBI representative, SA Bernard J. Murphy should attend the conference. This meeting should also afford SA Murphy an opportunity to meet with SA Prasek's new attorney to discuss anticipated review of FBI files.

RECOMMENDATION: None. For information.

B

JCF

APPROVED:

Director _____
Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____
Legal Coun. _____
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
Attn: Legal Counsel Division

DATE: 12/15/78

FROM: SAC, BALTIMORE (62-2757) (P)

SUBJECT: ILSE M. SIGLER, ET AL;
MAJOR GENERAL C. J. LE VAN, ET AL;
U. S. DISTRICT COURT,
DISTRICT OF MARYLAND,
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

ReBAlet to Bureau, 11/14/78.

Enclosed for Bureau and Phoenix is one copy
each of updated docket in instant case.

ENCLOSURE

2 - Bureau (Enc. 1)
1 - Phoenix (Enc. 1)
1 - Baltimore
ASH:df1
(4)

EX-113

REC-47

62-117536-34

16 DEC 18 1978

LEGAL COUNSEL



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>N-78-1237</u>
ILSE M. SIGLER, ET AL		MAJOR GENERAL C. J. LE VAN, ET	AL PAGE <u>4</u> OF <u> </u> PAGES <u>CONTINUED</u>
DATE 1978	NR.	PROCEEDINGS	
July 24	98	Motion and Order (Miller, J.) directing Clerk to correct docket entry regarding Plaintiff, Karin M. Sigler, to reflect her true and correct name by marriage to be, Karin M. Sigler Mears; and "GRANTING" leave to strike the appearance of Sidney J. Diamond, Esquire, and enter the appearance of James E. Kenkel, Esquire, as counsel for Plaintiffs (c/m 7-25-78 nbv)	
" 27	99	Appearance of James M. Kramon, Esquire, as additional counsel for Defendant, Major General C. J. Le Van.	
Aug. 3	100	Appearance of Joseph A. Schwartz, III, Esquire, as counsel for Defendants, Lieutenant General H. R. Aaron, Colonel Donald B. Grimes, Noel E. Jones, John W. Schaffstall and Louis R. Martel.	
" 4	101	Motion and Order (Northrop, C.J.) "GRANTING" leave to Ralph E. Harris Esquire, to withdraw as counsel for Defendants, Aaron, Grimes, Jones, Schaffstall and Martel. (c/m 8-7-78 nbv)	
" 8	102	Appearance of Russell T. Baker, Jr., United States Attorney, and Lynn A. Battaglia, Assistant United States Attorney, as counsel for Defendants.	
" 14	103	Appearance of R. John Seibert, and Raymond M. Larizza and Lynne A. Battaglia, as counsel for the United States of America. (c/s)	
" 22	104	Motion of Francis E. Broaddus, Jr., Esquire, to withdraw as attorney for Defendant, Lieutenant General C. J. LeVan and Order (Northrop, C.J.) "GRANTING" leave as prayed. (c/m 8-23-78 nbv)	
" 25	105	Appearance of Alan I. Baron, Esquire, as counsel for Defendant, Francis J. Prasek.	
" 28	106	Motion, Exhibit A and Order (Northrop, C.J.) "GRANTING" leave to Joseph A. Calamia and Charles Michael Mallin to withdraw as attorneys of record for Defendant, Francis J. Prasek. (c/m 8-30-78)	
Sept. 5	107	Appearance of Richard R. Beauchemin, Esquire, as co-counsel for Defendant, Chief Warrant Officer Carlos Zapata.	
Nov. 17	--	Status Conference held before Northrop, C.J.	

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
Attn: Legal Counsel Division

DATE: 1/26/79

FROM : SAC, BALTIMORE (62-2757) P

SUBJECT: ILSE M. SIGLER, ET AL;
MAJOR GENERAL C. J. LE VAN, ET AL;
U. S. DISTRICT COURT,
DISTRICT OF MARYLAND,
CIVIL ACTION #N 78-1237
MISCELLANEOUS - CIVIL SUIT

130* 62-117536

ReBAlet to Bureau, 12/15/78.

Docket check on 1/23/79 revealed no change.

(JP)

EX-121

REC-69

62-117536 - 35

15 JAN 30 1979

2 - Bureau
2 - Baltimore
ASH:df1
(4)

LEGAL COUNSEL - 7316
P 213



UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
Attention: Legal Counsel Division

DATE: 3/21/79

FROM : SAC, BALTIMORE (62-2757) -P-

SUBJECT: ILSE M. SIGLER, ET AL;
MAJOR GENERAL C. J. LE VAN, ET AL;
U. S. DISTRICT COURT,
DISTRICT OF MARYLAND,
CIVIL ACTION #N 78-1237.
MISCELLANEOUS - CIVIL SUIT

dlw 6

ReBAlet to Bureau, 1/26/79.

Docket check on 3/9/79 revealed no change.

(JLD)

REC-120

62-117536-36

EX-112

2-Bureau
2-Baltimore
ASH:pk
(4)

MAR 23 1979

62 APR 18 1979



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan